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Letter dated 27 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Romania, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

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Annex

Note verbale dated 27 December 2001 from the Permanent Mission of Romania to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of Romania to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and, further to his note verbale SCA/20/01(6) dated 29 October 2001, has the honour to transmit herewith the report of the Romanian Government concerning the implementation of the recommendations contained in the said note.

Enclosure

National report of Romania submitted pursuant to paragraph 6 of United Nations Security Council resolution 1373 (2001) concerning counter-terrorism

The threat posed by terrorism to international peace and security became a tragic and brutal reality on 11 September 2001. The adoption by the United Nations Security Council of resolutions 1368 (2001) and 1373 (2001) shows the determination of the international community to react firmly in the face of the global peril that this phenomenon represents. The terrorist attacks have highlighted both the scale of this danger and the value of human solidarity.

Romania has undertaken to transform this attitude into concrete deeds. One week after the attacks, the Romanian Parliament adopted a decision to place its airspace, maritime space and territory at the disposal of the United States of America and the North Atlantic Treaty Organization (NATO) and to grant access to such other facilities as its partners might request. Following the adoption by the United Nations Security Council of resolution 1373 (2001), the Romanian authorities quickly adopted normative acts intended to implement the resolution's provisions, placing particular emphasis on the prevention of the financing of terrorist organizations and acts and on the elimination of possible sources of financing, should any be identified in Romania.

Preventing and combating the danger that terrorism represents for civilization as a whole and for people who believe in democracy and pluralism, tolerance and freedom requires substantial cooperation at the regional and international levels. Romania considers regional solidarity to be an essential component in this context. With this in mind, Romania proposed that the Regional Centre for Combating Transborder Crime — a body which is part of the Southeast European Cooperative Initiative, has its headquarters in Bucharest and receives active contributions from 11 States — should develop its current activities through the effective use of existing liaison systems, exchanges of information and joint teams, including in the area of counter-terrorism.

On 21 December 2001, the Romanian Parliament adopted a decision concerning the country's participation in the International Security Assistance Force for Afghanistan. This decision is in keeping with the attitude consistently promoted by Romania within the United Nations of providing concrete support for the global organization's initiatives. Romania's participation in this type of activity, under United Nations auspices, is a practical argument for Romania's position of principle.

Romania's attachment to the principles and values of humanity is demonstrated by its practical actions, which are based on the incorporation in domestic legislation of the norms of international law. At the same time, Romania considers that it is necessary to proceed unambiguously when it comes to condemning and actively combating all forms of terrorism and violent fanaticism.

In the text that follows, the national report presents information concerning the implementation of United Nations Security Council resolution 1373 (2001), following the guidelines of the Counter-Terrorism Committee.

Paragraph 1, subparagraph (a)
What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1 (b) to (d)?

With a view to the application of the provisions of United Nations Security Council resolution 1373 (2001), the Romanian authorities have taken measures to strengthen the domestic legislative framework in order both to facilitate implementation of the aforementioned document and to supplement the existing norms.

To this end, in October and November 2001, the Romanian Government adopted a series of emergency ordinances.

(1) Government Emergency Ordinance No. 153/2001 for the implementation of United Nations Security Council resolution 1373 (2001) concerning counter-terrorism entered into force on 3 December 2001.

Under this Emergency Ordinance, Romanian public authorities and institutions are committed to taking all necessary measures for the implementation of the above-mentioned resolution (article 1, paragraph 1). The Ordinance provides for the prosecution, under the existing legal provisions, of any person who violates its provisions (article 2). It is also intended to establish an Interministerial Council, under the coordination of the Ministry of Foreign Affairs, responsible for monitoring the implementation of resolution 1373 (2001) and consisting of representatives of the following institutions: the Ministry of Finance, the Ministry of Justice, the Ministry of Defence, the Ministry of the Interior, the Ministry of Communication and Information Technology, the Ministry of Public Works, Transport and Housing, the Romanian Intelligence Service, the Foreign Intelligence Service and the National Bank of Romania (article 3).

(2) Government Emergency Ordinance No. 141/2001 concerning the punishment of certain terrorist acts and breaches of the peace entered into force on 31 October 2001.

(3) Government Emergency Ordinance No. 159/2001 for the prevention of use of the banking and financial system for the financing of acts of terrorism entered into force on 14 December 2001.

Under the provisions of article 1 of this Emergency Ordinance:

> "All banking and financial transactions between residents and non-residents and between non-residents, including current and capital account transactions and currency exchange operations, as defined by the currency regulations issued by the National Bank of Romania, for or on behalf of the natural or juridical persons listed in the annex, which is an integral part of this Emergency Ordinance, shall be prohibited."
>
> "The assets of the persons listed in the annex shall be frozen, and all transfers by whatever mode, including through banks, shall be prohibited."

The annex to this Emergency Ordinance includes identification data provided by the United Nations Security Council in respect of persons suspected of financing certain acts of terrorism.

The procedure for the drawing up and updating of the annex by decision of the Government is regulated in article 2.

In addition, article 4 requires certain organs of the central public administration (the Ministry of Foreign Affairs, the Ministry of Finance, the Ministry of Justice, the Ministry of the Interior, the Ministry of Defence, the Ministry of Communication and Information Technology, the Ministry of Public Works, Transport and Housing, the Procurator's Office in the Supreme Court of Justice, the Romanian Intelligence Service, the Foreign Intelligence Service, the National Office for Preventing and Combating Money-Laundering, the Chambers of Commerce and Industry of Romania and of the City of Bucharest, the National Bank of Romania, the National Securities Commission and the Insurance Oversight Commission) to compile and update lists of natural and juridical persons suspected of committing or financing terrorist acts (in addition to those listed in the annex to the Emergency Ordinance).

Article 5 provides that "The Ministry of Finance shall establish a single list based on the lists compiled in accordance with article 4, paragraph 1, which it shall submit for approval by decision of the Government".

With a view to suppressing the financing of terrorist acts, the National Bank of Romania has requested Romanian banks and juridical persons and branches of foreign banks in Romania to provide information on bank assets in the name of any persons or entities included on the lists drawn up by the Committee of the United Nations Security Council and on any transactions or transfers carried out between 1 January 1999 and 1 October 2001 to which any person or entity on these lists was a party, as well as on any transfer or transaction of the same kind carried out after 1 October 2001.

The information received from the banks referred to 32 persons or entities with similar or identical names to those listed. It was sent for confirmation, identification and use to the Romanian Intelligence Service, to the Foreign Intelligence Service, and to the Interministerial Commission established for the purpose of overseeing this issue by Decision No. 918 of 13 December 2001 of the Government of Romania. With due respect for transparency, the management of the National Bank of Romania held a series of information exchanges with the United States Embassy in Bucharest, which provides information on the steps that the United States Government is taking to combat terrorism and the financing of terrorist acts.

The Ministry of Finance, acting on tips from the National Bank of Romania, has an important role in the control of convertible currencies in the case of national companies that have transferred large amounts of currency abroad that they are unable to account for by imports of goods or services.

The Ministry of Finance carries out these checks at the registered office of the commercial company in question, where its inspectors verify the documents, comparing the justification given for the transfer with the commercial contract signed by partners.

If the inspectors of the Ministry of Finance find that the company is bogus, the case is sent for further investigation to another specialized body. Such checks of convertible currency also have the potential to impede the financing of terrorist acts.

Subparagraph (b)
What are the offences and penalties in your country with respect to the activities listed in this subparagraph?

In accordance with article 15 of Government Emergency Ordinance No. 159/2001 for the prevention of use of the banking and financial system for the financing of terrorist acts, the criminal liability of natural persons is as follows:

> "The provision or collection of funds, whether direct or indirect, by a person who is aware that the funds will be used wholly or partly for the purpose of committing terrorist acts is an offence punishable by 5 to 20 years' imprisonment and forfeiture of certain rights.
>
> "Fund-raising with a view to financing terrorist acts shall carry the same penalty.
>
> "Attempts to commit such offences shall be punishable.
>
> "Funds provided or collected with a view to committing terrorist acts, or raised for the purpose of financing terrorist acts, shall be frozen."

On the subject of juridical persons' liability for violations, Emergency Ordinance No. 159 of 14 December 2001 provides that a juridical person raising funds for the purpose of financing terrorist acts or providing funds with a view to the commission of terrorist acts, shall be liable to prosecution for a violation. Article 13 provides that:

> "Paragraph 1 — Fund-raising by a juridical person for the purpose of financing terrorist acts, or provision of funds with a view to the commission of such acts, shall constitute a violation punishable by a fine of from 500,000,000 to 1,000,000,000 lei.
>
> "Paragraph 3 — The funds described in paragraph 1 shall be seized."

Subparagraph (c)
What legislation and procedures exist in your country for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action here.

The legislative measures mentioned under subparagraph (a) that the Romanian authorities have taken in pursuance of Security Council resolution 1373 (2001) are also relevant to subparagraph (c).

It should also be mentioned that in 1997, in Strasbourg, Romania signed the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime. The procedure for ratifying this Convention will be carried out in 2002.

Subparagraph (d)
What measures exist to prohibit the activities listed in this subparagraph?

Government Emergency Ordinance No. 159/2001 for the prevention of use of the banking and financial system for the financing of terrorist acts confers a series of obligations on the staff of banking and financial institutions, infringement of which may result in liability for a violation or offence, as the case may be (articles 3, 6, 7 and 12):

Article 3 — "The staff of financial and banking institutions shall be obliged to refuse to execute the transactions described in article 1 (paragraph 1) and shall alert the competent bodies."

The competent bodies are: the Public Prosecutor's Office or the police, as appropriate, for criminal matters; and the bodies specified in article 12 (paragraph 2) for civil matters.

Article 6 — "The prior authorization of the National Bank of Romania, the National Securities Commission and the Insurance Oversight Commission, as appropriate, shall be required before the banking and financial transactions described in article 1 (paragraph 1) may be executed for or on behalf of the persons on the list referred to in article 5."

Article 7 — "1. The staff of financial institutions shall be obliged to refer to the management of their institution any request to carry out a banking or financial transaction requiring prior authorization."

"2. The financial institutions of Romania shall submit documentation for any banking or financial transaction requiring prior approval to the National Bank of Romania, the National Securities Commission or the Insurance Oversight Commission, as appropriate."

Article 12 — "1. Execution of the transactions described in article 1 (paragraph 1), and unauthorized execution of the transactions described in article 6 by the staff of financial institutions shall constitute a violation punishable by a fine of from 10,000,000 to 25,000,000 lei. Violations shall be certified and penalties imposed by staff specially authorized by the National Bank of Romania, the National Securities Commission, the Insurance Oversight Commission, and by officers and subordinate officers of the Ministry of the Interior."

With a view to the identification of possible banking and financial operations intended for the financing of terrorist acts, the National Bank of Romania has established Regulations specifying the documents required when authorization is sought for the banking and financial transactions described in Ordinance No. 159 of 27 November 2001.

Paragraph 2, subparagraph (a)
What legislation or other measures are in place to give effect to this subparagraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?

In accordance with Government Emergency Ordinance No. 141 of 31 October 2001 concerning the punishment of certain terrorist acts and breaches of the peace, certain offences listed in the Penal Code and in other special normative acts have been categorized as terrorist acts. The introduction or release into the atmosphere, soil, sub-soil or water of products, substances, materials, micro-organisms or toxins harmful to human or animal health or to the environment, as well as threats involving bombs or other explosive material for the purpose of creating a breach of the peace through intimidation, terror or triggering of panic, are also sanctioned as terrorist acts. Plotting to commit terrorist acts is punishable by 3 to 15 years' imprisonment and forfeiture of certain rights.

Article 1 (1). The following shall be considered as terrorist acts:

- Homicide offences as described in articles 174 to 176 of the Penal Code, assault and battery, aggravated assault as described in articles 181 and 182 of the Penal Code, illegal deprivation of liberty as described in article 189 of the Penal Code;
- Offences covered by articles 106 to 109 of Government Ordinance No. 29/1997 concerning the reissued Air Code. Articles 106 to 109 of Government Ordinance 29/1997 concerning the Air Code were reissued in the *Monitorul Oficial* (Official Gazette of Romania) No. 45 of 26 January 2001;
- Offences involving destruction as described in articles 217 and 218 of the Penal Code;
- Offences violating regulations governing arms and ammunition, the regulations governing nuclear and other radioactive materials and the regulations governing explosives, as described in articles 279 and 280 of the Penal Code, committed for the purpose of creating a serious breach of the peace through intimidation, terror and or triggering of panic.

(2) The punishment for the offences described in paragraph 1 shall exceed the maximum penalty prescribed by law by five years, but not the overall maximum.

(3) Attempts to commit such offences shall also be punishable.

(4) The production or acquisition of the means or instruments for committing the offences described in paragraph (1), or the planning of measures for their perpetration, shall also be considered as an attempt.

Article 2 (1). The introduction or release into the atmosphere, soil, sub-soil or water of products, substances, materials, micro-organisms or toxins harmful to human or animal health or to the environment, as well as threats involving bombs or other explosive material, shall be considered as terrorist acts if they create a serious breach of the peace through intimidation, terror or triggering of panic and shall be punishable by 5 to 20 years' imprisonment and forfeiture of certain rights.

(2) Attempts to commit such offences shall also be punishable.

(3) The production or acquisition of the means or instruments for committing the offences described in paragraph (1), or the planning of measures for their perpetration, shall also be considered as an attempt.

Article 3. Plotting to commit terrorist acts shall be punishable by 3 to 15 years' imprisonment and forfeiture of certain rights.

Article 4. Threatening a person or community, by any means, with the use or diffusion of products, substances, materials, micro-organisms or toxins harmful to human or animal health or to the environment, is an offence punishable by six months to five years of detention.

Article 5. The issuing of false alarms to a person, to the public, to the specialized emergency services or to the forces of law and order, whether in writing, by telephone or by any other remote means of transmission, concerning the diffusion or use of products, substances, materials, micro-organisms or toxins described in article 4 shall be punishable by imprisonment for a term of from three months to three years or by a fine.

Subparagraph (b)
What other steps are being taken to prevent the commission of terrorist acts and, in particular, what early warning mechanisms exist to allow exchange of information with other States?

Several public institutions have powers in this respect, depending on the type of specific measure used to prevent or combat acts of terrorism, including the exchange of information among States. Among these institutions, mention may be made of the Procurator's Office in the Supreme Court of Justice, the Ministry of the Interior, the Ministry of National Defence, the Ministry of Public Works, Transport and Housing, the Romanian Intelligence Service and the Foreign Intelligence Service.

The Ministry of the Interior has adopted substantial counter-terrorism measures in several fields.

In the sphere of data and information collection, the main purpose of these measures is to:

- Gather more information about potential terrorists;
- Collect information and data about the intentions of persons likely to disturb the peace, steal narcotics or drugs, or attack public buildings or the head offices of companies;
- Monitor arrangements for guarding and ensuring the security of sensitive targets;
- Make available to authorized bodies the information it possesses about hostile activities which certain persons might direct against the Romanian State.

For the purpose of maintaining public order, the Ministry of the Interior is taking action in order to:

- Check on persons in possession of firearms and restrict the right to bear firearms;
- Keep crowded public areas under surveillance by clearly defined measures;
- Intensify checks by the transport and traffic police;
- Introduce special measures at all high-risk installations in continuous operation (defence industry, ports, airports, refineries, oil pipelines, gas pipelines, electrical cables, chemical plants, etc);
- Give priority to resolving cases in which persons of Arab origin are implicated.

As far as the protection of sensitive targets is concerned, the chief purpose of these measures is to:

- Improve arrangements for maintaining public order in the vicinity of embassies and of the offices of foreign companies and missions, especially in the case of buildings which might be targeted by terrorists;
- Guard more closely the premises of ministries and government institutions and control access to them more strictly;

- Tighten measures to ensure the safe storage of weapons, ammunition, explosives or other dangerous materials;

- Screen, check the equipment and train units guarding high-risk economic targets (dams of hydroelectric power stations, stores of chemicals, nuclear power stations, communication hubs of strategic importance).

Among all the efforts being made at the national level to implement United Nations Security Council resolution 1373 (2001), mention should be made of the steps contemplated in the Order of the Romanian Supreme Council for National Defence concerning the establishment of national anti-terrorist machinery to improve the coordination of ongoing endeavours to counter terrorism and of future plans to expand these initiatives with greater efficiency.

The optimized national anti-terrorist machinery is supposed to fulfil the following functions:

- Protect the national territory against new threats associated with terrorism;

- Implement the political commitments made by the Romanian Government, including within the framework of the Euro-Atlantic integration process, in the international counter-terrorism cooperation campaign.

At the same time, consideration is being given to the formulation, in the first quarter of 2002, of a national long-term strategy to prevent and combat terrorism. On the basis of this strategy, a variety of national programmes will be drawn up to prevent and combat acts of terrorism and support for terrorism.

The terrorist attacks of 11 September had a strong impact on the whole world, in that they necessitated extensive reassessment of the risks and threats to the collective security of the international community. This has in turn resulted in the adoption of a series of measures by the special services.

In Romania, new rules governing the functioning of the Romanian Intelligence Service have been adopted. They have introduced changes in the Service's structure, organization and staffing, with a view to expanding anti-terrorist activities.

The Foreign Intelligence Service has also adjusted to the new international demands of counter-terrorism by reorganizing itself. A specialized department has been set up to make the war on terrorism more effective.

Both services have taken steps to intensify cooperation and collaboration with their counterparts abroad, with emphasis on the joint investigation of specific cases of relevance to the war on terrorism.

The Ministry of National Defence has revised its principal defence plans (National Security Strategy, White Paper on Security and National Defence and the Military Strategy) to give greater emphasis to counter-terrorism.

Order No. S/S.M.G.-77 of the Joint Chief of Staffs of 8 October 2001 has boosted the armed forces' preparedness to prevent and combat terrorist acts.

Other steps taken by this Ministry concern the heightening of border security by more thorough monitoring of airspace, territory and maritime space, tighter security around military targets, transition to an intelligence system in keeping with the actual situation and establishment of data exchange and coordination networks with the other military and civilian authorities of the State.

An Operational Unit has started work in the Operational Centre of the Military Department of Joint Staff Headquarters, staffed by representatives of all the central divisions of the Ministry of National Defence. The Unit continuously monitors the situation at home and abroad and, in order to evaluate crisis factors, coordinates with similar bodies the operational surveillance of airspace, the electromagnetic spectrum and radiation. It also monitors the operational status of the units in the forces placed at the disposal of the North Atlantic Treaty Organization (NATO) by the Romanian Government.

Ongoing liaison has been strengthened between senior officials at the Romanian Ministry of National Defence and Romanian military missions to the United Nations, NATO, the European Union and the Organization for Security and Cooperation in Europe (OSCE).

The Romanian Ministry of National Defence, acting in pursuance of Government Emergency Order No. 153/2001, has set up the Centre for Scientific Medical and Military Research, which is a specialist agency of the Medical Assistance Division. The Centre can provide a small sub-unit to take part in certain clinical activities involving medical assistance in the field of toxicology (for attacks using chemical, biological or radiological agents). This sub-unit could form a nucleus to train and prepare medical staff specializing in toxicological medical assistance.

The help of the international community will be needed to equip and train this sub-unit to meet international requirements for this type of activity (equipment, instruments, means of transport and protection for intervention at sources of chemical contamination).

On 19 September 2001, the Romanian Parliament adopted a decision concerning Romania's participation alongside NATO member States in action to combat international terrorism. To that end, Romania facilitated NATO access to its airspace, territory and maritime space during the operation "Enduring Freedom".

In order to improve air security in the wake of the events of 11 September 2001, the Ministry of Public Works, Transport and Housing has introduced a number of additional security measures described in the following enactments:

- Order No. 1315 of 19 September 2001 and Order No. 1446 of 10 October 2001 concerning additional security measures for civil aviation operations;
- Order No. 1940 of 19 December 2001 prohibiting the transport of certain goods in the cabin of an aircraft or in the checked luggage of passengers.

The main aims of the air safety measures are to:

- Implement air safety standards, in accordance with Document 30 of the European Civil Aviation Conference (ECAC);
- Participate in the ECAC international Audit Programme and implement the concept of "one-stop security";
- Upgrade the professional skills of air safety staff;
- Develop cooperation in the field of air safety with States not members of ECAC;

- Draft a bill laying down penalties for unruly passengers (a category not covered in the legal instruments now in force);

- Conduct security screening of all staff involved in civil aviation operations.

Subparagraph (c)
What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this subparagraph? It would be helpful if States supplied examples of any relevant action taken.

Act No. 123 of 3 April 2001 contains the rules applying to aliens in Romania. The expulsion of aliens is dealt with in article 22 of this law.

"(1) Expulsion of a foreign offender may be ordered in the circumstances specified in the Criminal Code and the Code of Criminal Procedure.

(2) The court may order that the alien be held under observation in specially equipped premises, pending expulsion by the police in accordance with the provisions of the Code of Criminal Procedure.

(3) Expulsion may not be appealed but once decided may not be carried out if:

(a) There are grounds for believing that the life or liberty of the alien would be in jeopardy in the State to which he or she would be expelled, or that he or she would be subjected to torture or to inhuman or degrading treatment;

(b) The alien is in a situation in which the law prohibits departure from the territory of the Romanian State.

(4) The prohibition of expulsion shall continue until the reasons given cease to exist.

(5) An alien in one of the situations provided for in paragraph (3) (b) may be expelled for reasons of national security or public order in compliance with a court decision after due process of law.

(6) The provisions of paragraph (4) shall also apply to an alien who is subject to a measure laid down in article 21, paragraph (1)."

The question of expulsion is also dealt with in article 117 of the Criminal Code:

"(1) A foreign national who has committed an offence may be required to leave Romania.

(2) The above provision shall likewise apply to stateless persons not domiciled in the country.

(3) If expulsion is accompanied by a prison sentence, it shall be carried out after the sentence has been served.

The persons mentioned in this article shall not be expelled if there are strong reasons for assuming that they will be subjected to torture in the country to which they would be expelled."

According to article 18 of the Romanian Constitution, the right of asylum is granted or withdrawn on the conditions laid down by the law and in compliance with the international treaties which Romania has signed.

Article 4 of Order No. 102/2000 of the Romanian Government, relating to the status of and rules applying to refugees, as approved by Act No. 323/2001, provides for exclusion if the person has committed:

- An offence against peace or humanity or an offence covered by the international conventions to which Romania is a party;
- A serious offence under ordinary law outside Romania before being admitted into Romanian territory as a refugee;
- Acts contrary to the purposes and principles set forth in the Charter of the United Nations or in the international treaties or conventions on refugees to which Romania is a party.

In 2001, the data and information transmitted by the Romanian Intelligence Service and other authorized bodies made it possible to assemble the documentary evidence required in order to declare 27 foreign nationals belonging to terrorist organizations to be personae non gratae in Romania for various periods.

In the course of 2001, 6,857 persons were identified as being unlawfully present in Romanian territory, thus bringing to 9,253 the number of illegal immigrants against whom legal steps were taken. Criminal court decisions became final against 61 of these persons, who have been expelled.

The legal framework governing the movement of foreign nationals in Romania provides means of vigorous intervention to prevent potential terrorists from entering or remaining in the country.

Subparagraph (d)

What legislation or procedures exist to prevent terrorists acting from your territory against other States or citizens? It would be helpful if States supplied examples of any relevant action taken.

Existing Romanian legislation to prevent and combat terrorist acts (mentioned in paragraph 1 (a), (b) and (d) and paragraph 2 (a) of the national report) effectively discourages the use of Romanian territory to commit such acts. If, despite that fact, such acts were to occur, Romanian law would apply to the perpetrators (but international law would take precedence over domestic law).

Subparagraph (e)

What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.

The above-mentioned penalties for terrorist acts laid down in Romanian legislation are sufficiently severe and reflect the seriousness of these crimes. For example, it is an offence directly or indirectly to provide or collect funds in the knowledge that they will be used wholly or partly to commit acts of terrorism and the offender is liable to a prison sentence ranging from five to 20 years. At the same time, terrorist acts are deemed to be serious criminal offences under Act No.

130/2000 approving Ordinance No. 29/1997 of the Romanian Government, concerning the Air Code.

Subparagraph (f)
What procedures and mechanisms are in place to assist other States? Please provide any available details of how these have been used in practice.

Romania has ratified the European Convention on Mutual Assistance in Criminal Matters, adopted in Strasbourg on 20 April 1959, and its Additional Protocol, adopted in Strasbourg on 17 March 1978. The Convention and its Additional Protocol contain rules in the field of mutual assistance in criminal matters which are common to all the 34 member States of the Council of Europe that have ratified these international agreements.

Romania has also concluded bilateral conventions on assistance in criminal matters with 13 other States, including Albania, the People's Republic of China, Mongolia, Algeria, Morocco, the Syrian Arab Republic, Tunisia and the Federal Republic of Yugoslavia.

In order to assimilate the legal standards in these international agreements fully into our domestic law, we have prepared a bill on international legal assistance in criminal matters, which is currently being debated in the Romanian Parliament.

At the same time, we have put in place, under the authority of the Ministry of the Interior, a system of bilateral and multilateral agreements which include clauses providing for mutual assistance between specialized authorities (police, border police) in the area of information exchange, joint or common action, etc. See the annex on bilateral agreements or agreements under subregional initiatives, which are specifically designed to combat terrorism, organized crime and other serious offences.

Subparagraph (g)
How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery etc?

The main measures taken by the Ministry of the Interior to secure the State border are designed to:

- Strengthen border guards and controls at crossing points;
- Ensure strict surveillance along the whole length of the border;
- Increase staffing levels and carry out checks with maximum attention to all travel documents of persons entering and leaving Romania;
- Compile precise information on the situation of aliens in the country;
- Intensify activity at border police posts to identify persons who are likely to be involved in terrorist activities or regarding whom there is evidence that their entry into the country would be a threat to national security;
- Prevent weapons, ammunition, explosives or other dangerous materials from being brought into the country;

- Identify persons with false documents or visas or who try to enter the country under a false identity;
- Ensure careful surveillance and checking of foreign vessels and aircraft from countries which support or condone terrorist acts;
- Ensure rigorous checking of aircraft which arrive from critical places of origin or which are going to countries known to support terrorism;
- Equip border posts with scanners to identify false identity papers or travel documents;
- Prohibit the entry into the country of foreign nationals identified as suspicious in communications received from competent agencies.

From 1 January 2001, there will be a new passport with 34 security elements, meeting European Union standards, which should prevent forgery and thus reduce immigrant flows. Similarly, the issuance of identity papers is currently strictly regulated and subject to a procedure which provides satisfactory safeguards.

Paragraph 3, subparagraph (a)
What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this subparagraph?

A Cooperation Protocol creating a framework for information exchange and joint missions and tasks relating to crisis management was recently concluded between the Ministry of Foreign Affairs, the Ministry of National Defence, the Ministry of the Interior, the Ministry of Public Service, the Ministry of Public Works, Transport and Housing, the Ministry of Water and Environmental Protection, the Ministry of Health and the Family, the Ministry of Communications and Information Technology, the Ministry of Agriculture, Food and Forests, the Romanian Intelligence Service, the Special Telecommunications Service, the Foreign Intelligence Service and the Protection and Guard Service.

A bill on the national crisis management system is currently being drafted.

The Romanian Intelligence Service has implemented significant measures that are particularly relevant to the war on terrorism. The main action is directed towards blocking the human supply networks (impact of illegal migration and trafficking in persons, and also of propaganda activities focusing on the recruitment of new members) and eliminating the supply networks for resources specific to terrorism (weapons, ammunition, explosives, etc.), through inter-agency cooperation at the national level, primarily between the various operational structures and the Ministry of Foreign Affairs, the Ministry of the Interior, the Procurator's Office, the Ministry of Justice and the Ministry of Public Service, and at the international level, particularly with counterpart institutions abroad responsible for dealing with cross-border threats.

The Romanian authorities, particularly the Ministry of the Interior, have strengthened information-related and operational measures and border controls, so as to identify groups and networks of dangerous offenders involved in trafficking in persons, weapons, ammunition, explosives or radioactive materials, or in other types of offence involving violations of the legal regime governing the borders. Cooperation with similar bodies in neighbouring countries and in the European Union has also been broadened so as to identify and monitor cross-border crime.

On Romania's initiative, the initial steps are now being taken to include terrorism among the specific problems being addressed by the Regional Centre for Combating Transborder Crime, an organization which forms part of the Southeast European Cooperative Initiative (SECI).

The Ministry of Communications and Information Technology has adopted policies relating particularly to the protection of the information and communication networks of public and private companies. A plan for evaluating the security of institutions' computer systems at the regional and national levels, to support the concept of computer audit, is currently in preparation. The plan will comprise, inter alia:

- Specification of the security profile;
- Analysis of attacks and breaches from outside;
- Analysis of internal attacks and breaches;
- Risk prevention measures;
- Action to be taken in the event of an attack.

In order to give post and telecommunications operators greater responsibility, additional regulatory measures have been taken:

- Order No. 350/12.09.2001 of the Minister of Communications and Information Technology for the implementation of immediate security measures at installations occupied by telecommunication, data transmission and Internet operators;
- Order No. 393/16.10.2001 of the Minister of Communications and Information Technology for the implementation of exceptional security measures for items of mail.

These Orders require operators to take all appropriate measures to reduce specific risks and intensify collaboration with bodies involved in the fight against terrorism.

Subparagraph (b)
What steps have been taken to exchange information and cooperate in the areas indicated in this subparagraph?

Steps have been taken to develop operational and information exchange among the component structures of the national defence system.

By decision of the Prime Minister of Romania, the inter-ministerial committee for crisis situations has been set up to analyse, on a daily basis, internal developments arising from the international situation which have public security implications, with a view to implementing legal measures.

If a definite request is received from a specialized foreign organization (the Federal Bureau of Investigation, similar national intelligence bodies), specific comprehensive measures are put in place in order to monitor the actions of persons who belong to extremist or terrorist organizations in Romanian territory.

Specialized bodies of the Ministry of the Interior cooperate with specialists from the National Bank of Romania to conduct operational checks of persons likely

to carry out dubious financial transactions involving Romanian financial institutions. These bodies make relevant data in their possession available to other institutions.

Subparagraph (c)
What steps have been taken to cooperate in the areas indicated in this subparagraph?

Romania is playing an active role in cooperation on the basis of the many multilateral conventions and bilateral agreements to which it has acceded relating to the fight against terrorism.

It is a party to the following United Nations anti-terrorism conventions:

1. The Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 1963);

2. The Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague, 1970);

3. The Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 1971);

4. The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (New York, 1973);

5. The International Convention against the Taking of Hostages (New York, 1979);

6. The Convention on the Physical Protection of Nuclear Material (Vienna, 1980);

7. The Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (Montreal, 1988), Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 1971);

8. The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol on the Suppression of Unlawful Acts Against the Safety of Platforms Located on the Continental Shelf (Rome, 1988);

9. The Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, 1991);

10. The Convention on the Safety of United Nations and Associated Personnel (New York, 1994).

Romania is also a party to a number of regional and subregional conventions:

1. The European Convention on the Suppression of Terrorism (Strasbourg, 1977);

2. The European Convention on the Control of the Acquisition and Possession of Firearms by Individuals (Strasbourg, 1978).

Romania has concluded or is negotiating many bilateral agreements covering, inter alia, the fight against terrorism (see annex).

Romania has joined the South-Eastern European Defence Ministerials (SEDM) initiative relating to anti-terrorism, border security and non-proliferation, which was debated at the SEDM meeting in Antalya (Turkey) on 20 December 2001. Romania holds the chairmanship of the SEDM coordinating committee and will be coordinating joint actions in the context of the ministerial conference.

Subparagraph (d)
What are your Government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this subparagraph?

In addition to the multilateral treaties and bilateral agreements relating to the fight against terrorism to which it is a party (see previous subparagraph), Romania has signed other instruments which it also intends to ratify:

1. The International Convention for the Suppression of Terrorist Bombings (New York, 1997);

2. The International Convention for the Suppression of the Financing of Terrorism (New York, 1999).

The Parliament of Romania is also due to take a decision soon on the Government's request regarding the bill on the ratification of the Rome Statute of the International Criminal Court.

Romania signed the draft convention on cybercrime on 23 November 2001, in Budapest.

Mention should also be made of the bilateral agreements relating to the fight against terrorism which are in the process of ratification or negotiation (see annex).

Subparagraph (e)
Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this subparagraph.

In accordance with the provisions of the international conventions and treaties and bilateral agreements to which Romania is a party, Romania has committed itself firmly to the fight to prevent terrorist acts and related potential risks and threats to the national territory or any other area.

The requirements of international instruments on this subject are part of domestic law, pursuant to article 11, paragraph 2, of the Romanian Constitution, which provides that "Treaties ratified by Parliament in accordance with the law are part of domestic law".

Romania has associated itself with the European Union action plan to combat terrorism and signed the declaration adopted by the enlarged European Conference held in Brussels on 20 October 2001. In this context, Romania has undertaken to adopt the measures necessary to implement Security Council resolution 1373 (2001) and ratify the International Convention for the Suppression of the Financing of Terrorism.

Subparagraph (f)
What legislation, procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status? Please supply examples of any relevant cases.

Subparagraph (g)
What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures which prevent claims of political motivation being recognized as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.

The conditions and procedure for granting refugee status are provided in the normative acts mentioned earlier (see paragraph 2 (c)).

With regard to extradition, mention should also be made of the following domestic normative acts:

- Act No. 80/1997 on the ratification of the European Convention on Extradition (Paris, 1957), the European protocols on extradition (Paris, 1957) and the protocols additional thereto (Strasbourg, 1975 and 1978);
- Act No. 296/2001 on extradition.

Under article 1 of this Act, which regulates Romania's obligations in respect of extradition:

(1) Romania agrees to extradite, at the request of another State and in the conditions stipulated by this Act, persons present in its territory who are the subject of a wanted notice and have been committed for trial for a criminal offence or are wanted by the law enforcement authorities in order to serve a sentence.

(2) The provisions of this Act shall also be applicable in the case of security measures. For the purposes of this Act, the term "security measures" shall mean any measure that entails deprivation of liberty and is imposed in a judgement in criminal proceedings in order to supplement or replace a sentence.

Article 2 establishes the principle of the primacy of international law:

(1) With regard to the enforcement of the rules on extradition contained in the international conventions to which Romania is a party, this Act shall be applicable only for the purpose of supplementing those rules in cases not covered by them.

(2) In the absence of another international convention, this Act shall represent the ordinary law in this area applicable by the Romanian State by virtue of comity and subject to a guarantee of reciprocity. Should a requesting State invoke regulations differing from those in this Act, they may be taken into account only to the extent established by the declaration of reciprocity.

Article 3 deals with the declaration of reciprocity:

(1) The declaration of reciprocity made by the requesting State in the absence of an international convention in order to obtain the extradition shall take effect in Romania only after the ratification in law of the agreement negotiated

between the two States in accordance with the generally recognized norms of international law in this area.

(2) The draft agreement shall be negotiated for the Romanian State by the Ministry of Justice and the Ministry of Foreign Affairs.

Applications by asylum seekers about whom there are data and information indicating that they have planned, facilitated or participated in terrorist acts are considered under a fast-track procedure in compliance with all the guarantees provided both in domestic legislation and in the practice of the European Union. Similarly, in accordance with article 17, paragraph 1 (b), of Government Ordinance No. 102/2000, "applications by persons who, through their activities or membership of a certain group, pose a threat to national security or public order in Romania" are also dealt with under the fast-track procedure. Likewise, the legislation on refugees provides, in article 18, paragraph 3, measures to combat the abuse of the procedure for granting refugee status. Applications made by aliens with the clear intention of preventing the immediate implementation of a measure ordered by the competent authorities with a view to their removal from the country or expulsion are considered under the fast-track procedure.

The methodological rules provide that the official in charge of the case may, if necessary, conduct a new interview so that the situation described by the alien may be evaluated as accurately as possible.

The specialized structures of the Ministry of the Interior take specific steps to ascertain whether asylum seekers have planned, facilitated or participated in terrorist activities, and the information obtained is transmitted expeditiously to the bodies competent to rule on asylum requests.

Asylum seekers enjoy due process guarantees, having the possibility of contesting in a court of law the rejection of their asylum request in the administrative phase; the decision of the initial court of adjudication is final and irrevocable.

It is also possible to withdraw conditional humanitarian protection (subsidiary protection) if, after obtaining it, the alien, through his activities or membership of a certain group, poses a threat to national security or public order in Romania (article 28, paragraph (b), of Government Ordinance No. 102/2000).

If the alien has obtained refugee status, the Romanian State may take measures in conformity with the obligations it assumed upon ratifying the Geneva Convention of 1951 and the New York Protocol of 1967 relating to the Status of Refugees.

Regardless of the form of protection accorded, it is withdrawn if, after it is granted, it is discovered that the alien is in one of the situations stipulated in article 4 of Government Ordinance No. 102/2000.

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Appendice

Accords bilatéraux dans le cadre des initiatives sous-régionales

No	*Titre du document*	*Situation du document*
1.	Accord entre le Gouvernement de la Roumanie et le Gouvernement de la **République de Croatie** relatif à la coopération dans la lutte contre le terrorisme, le crime organisé, le trafic illicite de stupéfiants, de substances psychotropes et d'autres activités illégales, signé à Zagreb, le 30 septembre 2000.	En vigueur.
2.	Accord entre le Gouvernement de la Roumanie et le Gouvernement de la **République de Pologne** relatif à la collaboration dans la lutte contre la criminalité organisée, le terrorisme et d'autres catégories d'infractions, signé à Varsovie, le 12 juillet 2001.	Procédure parlementaire.
3.	Accord entre la Roumanie et la **République tchèque** relatif à la coopération dans la lutte contre la criminalité organisée, le trafic illicite de stupéfiants, de substances psychotropes et précurseurs, le terrorisme et d'autres infractions graves, signé à Prague, le 13 novembre 2001.	Procédure parlementaire.
4.	Accord entre le Gouvernement de la Roumanie et le Gouvernement du **Royaume de l'Arabie saoudite** relatif à la collaboration dans le domaine de la lutte contre le crime organisé, le trafic illicite de stupéfiants et de substances psychotropes, le terrorisme, ainsi que d'autres activités illégales.	En cours de négociation.
5.	Accord entre le Gouvernement de la Roumanie et le Gouvernement de la **République du Chili** relatif à la coopération dans le domaine de la prévention et de la lutte contre la consommation et le trafic illicite de stupéfiants et de substances psychotropes, le terrorisme et le crime organisé.	En cours de négociation.
6.	Accord entre le Gouvernement de la Roumanie et le Gouvernement de l'**Irlande** relatif à la coopération dans la lutte contre le trafic illicite de drogues, le blanchiment de l'argent, le crime organisé, le trafic de personnes, le terrorisme et d'autres infractions graves.	En cours de négociation.
7.	Accord entre le Gouvernement de la Roumanie et le Gouvernement de la **République du Liban** relatif à la coopération dans la lutte contre la criminalité organisée, le trafic illicite de stupéfiants, de substances psychotropes et	Préparé pour être signé.

No	*Titre du document*	*Situation du document*
	précurseurs, le terrorisme et d'autres infractions graves.	
8.	Accord entre le Gouvernement de la Roumanie et le Gouvernement de l'**ex-République yougoslave de Macédoine** relatif à la coopération dans la lutte contre le terrorisme, le crime organisé, le trafic illicite de stupéfiants et substances psychotropes, ainsi que d'autres activités illégales.	En cours de négociation.
9.	Convention entre le Gouvernement de la Roumanie et le Gouvernement du **Royaume de Belgique** relative à la coopération policière, signée à Bucarest, le 14 avril 1999.	La partie roumaine a ratifié la Convention.
10.	Accord entre le Gouvernement de la Roumanie et le Gouvernement de l'**État d'Israël** relatif à la coopération dans la lutte contre le trafic illicite et l'abus de drogues et de substances psychotropes et d'autres infractions graves, signé à Jérusalem, le 17 juillet 2001.	Procédure parlementaire.
11.	Mémorandum d'entente entre le Gouvernement de la Roumanie et le Gouvernement de la **République islamique du Pakistan** relatif à la coopération dans le domaine de la lutte contre la production illégale, le trafic et la consommation illicite de stupéfiants, de substances psychotropes et précurseurs.	En cours de négociation.
12.	Accord entre le Gouvernement de la Roumanie et le Gouvernement de la **République d'Arménie** relatif à la collaboration dans la lutte contre le crime organisé et le trafic illicite de drogues et de substances psychotropes.	Procédure parlementaire.
13.	Convention entre le Gouvernement de la Roumanie et le Gouvernement de la **République de Bolivie** relative au contrôle, à la prévention, l'usage non autorisé et la lutte contre le trafic illicite de stupéfiants et de substances psychotropes.	Préparé pour être signé.
14.	Accord entre le Gouvernement de la Roumanie et le Gouvernement de la **République d'Albanie** relatif à la coopération dans le domaine de la lutte contre le terrorisme, le crime organisé, le trafic illicite de stupéfiants et de substances psychotropes, ainsi que d'autres activités illégales.	En cours de négociation.

No	*Titre du document*	*Situation du document*
15.	Accord entre le Gouvernement de la Roumanie et le Gouvernement de la **République de l'Équateur** relatif à la coopération dans le domaine de la prévention et de la lutte contre la production, le trafic et la consommation illicite de stupéfiants et substances psychotropes.	En cours de négociation.
16.	Accord entre le Gouvernement de la Roumanie et le Gouvernement de la **République arabe d'Égypte** relatif à la coopération dans le domaine de la lutte contre la criminalité.	En cours de négociation.
17.	Accord entre le Gouvernement de la Roumanie et le Gouvernement de la **République islamique d'Iran** relatif à la coopération dans la lutte contre le trafic illicite de stupéfiants, de substances psychotropes et précurseurs.	En cours d'approbation des négociations.
18.	Accord entre le Gouvernement de la Roumanie et le Gouvernement de la **République du Kazakhstan** relatif à la coopération dans la lutte contre le crime organisé, le trafic illicite de drogues et d'autres infractions dangereuses.	En cours de négociation.
19.	Accord entre le Gouvernement de la Roumanie et le Gouvernement de la **République de Lettonie** relatif à la coopération dans la lutte contre le terrorisme, le trafic illicite de stupéfiants et le crime organisé.	En cours de négociation.
20.	Accord entre le Gouvernement de la Roumanie et le Gouvernement de la **République de Malte** relatif à la coopération dans le domaine de la lutte contre le trafic illicite de drogues et de substances psychotropes, ainsi que du crime organisé.	En cours de négociation.
21.	Accord entre le Gouvernement de la Roumanie et le Gouvernement de la **République du Paraguay** relatif à la coopération dans le domaine de la lutte contre le trafic illicite de stupéfiants et de substances psychotropes et des activités connexes.	En cours de négociation.
22.	Accord entre le Gouvernement de la Roumanie et le Gouvernement de la **Fédération de Russie** relatif à la collaboration dans la lutte contre la criminalité.	En cours de négociation.
23.	Accord entre le Gouvernement de la Roumanie et le Gouvernement de la **République arabe syrienne** relatif à la coopération dans le domaine de la prévention et de la lutte contre la criminalité.	En cours de négociation.

No	*Titre du document*	*Situation du document*
24.	Accord entre le Gouvernement de la Roumanie et le Gouvernement de l'**Espagne** relatif à la coopération dans la lutte contre le crime organisé, le trafic illicite de stupéfiants et de substances psychotropes, le terrorisme, ainsi que d'autres activités illégales.	En cours de négociation.
25.	Accord entre le Gouvernement de la Roumanie et le Gouvernement de la **République d'Ouzbékistan** relatif à la coopération dans la lutte contre la criminalité.	En cours de négociation.
26.	Accord entre le Gouvernement de la Roumanie et le Gouvernement de la **République du Venezuela** relatif à la coopération policière.	En cours de négociation.
27.	Entente entre le Ministère de l'intérieur de la Roumanie et le Ministère de l'intérieur de la **République italienne** sur l'échange de renseignements informatisés relatifs au trafic illicite de stupéfiants et de substances psychotropes, trafic d'autos volées, trafic illégal de personnes et à l'investigation des organisations criminelles.	En cours de négociation.
28.	Accord de coopération entre le Ministère de l'intérieur de la Roumanie et le Ministère de l'intérieur de la **République italienne** dans la lutte contre le trafic illicite de stupéfiants et de substances psychotropes et contre la criminalité organisée.	En vigueur.
29.	Accord entre le Gouvernement de la Roumanie et le Gouvernement de la **République française** relatif à la coopération dans le domaine des affaires intérieures.	En vigueur.
30.	Mémorandum d'entente entre le Gouvernement de la Roumanie et le Gouvernement du **Royaume-Uni de Grande-Bretagne et d'Irlande du Nord** relatif à la collaboration dans la lutte contre le crime organisé et le trafic illicite de drogues et de substances psychotropes.	En vigueur.
31.	Accord entre le Gouvernement de la Roumanie et le Gouvernement de la **République de Pérou** relatif à la prévention, au contrôle, à l'investigation et à la lutte contre la consommation et le trafic illicite de stupéfiants, substances psychotropes et les délits connexes.	En vigueur.

No	*Titre du document*	*Situation du document*
32.	Accord de coopération entre le Gouvernement de la Roumanie, le Gouvernement de la **République de Bulgarie** et le Gouvernement de la **République de Turquie** dans le domaine de la lutte contre le terrorisme, le crime organisé, le trafic illicite de stupéfiants et de substances psychotropes, le blanchiment de l'argent, le trafic d'armes et de personnes et d'autres infractions graves.	En vigueur.
33.	Accord entre le Gouvernement de la Roumanie et le Gouvernement de la **République de Chypre** relatif à la lutte contre la criminalité internationale.	En vigueur.
34.	Accord entre le Gouvernement de la Roumanie et le Gouvernement de la **République hellénique** relatif à la coopération entre le Ministère de l'intérieur de la Roumanie et le Ministère de l'ordre public de la République hellénique dans des problèmes de leur domaine de compétence.	Procédure parlementaire.
35.	Accord entre le Ministère de l'intérieur de la Roumanie et le Ministère de l'intérieur de la **République arabe d'Égypte** relatif à la lutte contre le trafic illicite et la consommation de stupéfiants et de substances psychotropes.	En vigueur.
36.	Accord entre le Gouvernement de la Roumanie et le Gouvernement de la **République de l'Inde** relatif à la coopération dans la lutte contre la criminalité organisée, le terrorisme international, le trafic illicite de stupéfiants et de substances psychotropes, ainsi que d'autres activités illégales.	En vigueur.
37.	Convention de coopération entre le Gouvernement de la Roumanie et le Gouvernement de la **République d'Argentine** dans la lutte contre le trafic illicite de stupéfiants et de substances psychotropes et les délits connexes.	En vigueur.
38.	Accord de coopération entre le Gouvernement de la Roumanie et le Gouvernement de la **République orientale de l'Uruguay** dans la lutte contre la délinquance organisée et le trafic illicite de stupéfiants et de substances psychotropes.	En vigueur.

No	*Titre du document*	*Situation du document*
39.	Accord entre le Gouvernement de la Roumanie et le Gouvernement de la **République Fédérale d'Allemagne** relatif à la coopération dans la lutte contre le crime organisé, ainsi que le terrorisme et d'autres faits pénaux d'une gravité particulière; Protocole d'application de l'Accord.	En vigueur.
40.	Accord entre le Ministère de l'intérieur de la Roumanie et le Ministère de l'intérieur de la **République de Biélorussie** relatif à la collaboration dans la lutte contre la criminalité.	En vigueur.
41.	Accord de coopération dans le domaine de la lutte contre le crime organisé, le terrorisme et le trafic illicite de drogues entre le Gouvernement de la Roumanie et le Gouvernement de la **République de Hongrie**.	En vigueur.
42.	Protocole de coopération trilatérale élargie dans la lutte contre la criminalité et, notamment, contre la criminalité transfrontalière.	En vigueur.
43.	Accord entre le Gouvernement de la Roumanie et le Gouvernement de la **République fédérale de l'Autriche** relatif à la coopération dans la lutte contre le crime international organisé, le trafic international illégal de drogues, le terrorisme international, ainsi que pour d'autres fins dans le domaine de la justice pénale.	En vigueur.
44.	Accord entre le Gouvernement de la Roumanie et le Gouvernement de la **République fédérative du Brésil** relatif à la coopération dans la lutte contre la production et le trafic illicite de stupéfiants et de substances psychotropes, de l'usage inadéquat de la pharmacodépendance.	En vigueur.
45.	Accord entre le Gouvernement de la Roumanie et le Gouvernement du **Royaume hachémite de Jordanie** relatif à la coopération dans la lutte contre le crime organisé, les substances psychotropes, le terrorisme, ainsi que d'autres activités illégales.	En vigueur.
46.	Accord entre le Gouvernement de la Roumanie, le Gouvernement de la **République de Moldavie** et le Cabinet des ministres de **l'Ukraine** relatif à la collaboration dans la lutte contre la criminalité.	En vigueur.
47.	Lettre d'entente entre le Gouvernement de la Roumanie et le Gouvernement des **États-Unis d'Amérique** relative à l'assistance dans le	En vigueur.

No	*Titre du document*	*Situation du document*
	domaine de la lutte contre le trafic et la consommation illicite de drogues.	
48.	Protocole d'intentions entre le Ministère de l'intérieur de la Roumanie et l'Agence pour la gestion des situations d'urgence des EUA relatif à la coopération dans le domaine de la prévention et de l'intervention en cas de situations d'urgence d'origine naturelle ou technologique.	En vigueur.
49.	Accord entre le Gouvernement de la Roumanie et le Gouvernement de la **République de Slovénie** relatif à la coopération dans la lutte contre le crime organisé, le trafic illicite de drogues, substances psychotropes, précurseurs, le terrorisme et d'autres infractions graves.	Procédure parlementaire.
50.	Accord entre le Gouvernement de la Roumanie et le Gouvernement de la **République de Croatie** relatif à la coopération dans la lutte contre le terrorisme, le crime organisé, le trafic illicite de stupéfiants, de substances psychotropes, ainsi que d'autres activités illégales.	Ratifié par la partie roumaine.
51.	Accord de collaboration entre le Ministère de l'intérieur de la Roumanie et le Ministère de l'intérieur de la **République de Bulgarie** et le Protocole additionnel.	En vigueur.
52.	Protocole de collaboration pour 2001 et 2002 entre le Ministère de l'intérieur de la Roumanie et le Ministère de l'intérieur de l'Ukraine, basé sur l'Accord entre le Gouvernement de la Roumanie, le Gouvernement de la République de Moldova et le Cabinet des ministres de l'Ukraine relatif à la collaboration dans la lutte contre la criminalité.	Approbations internes avant les négociations.
53.	Accord entre la Roumanie et la République fédérale de Yougoslavie relatif à la collaboration dans la lutte contre le crime organisé, le trafic illicite de drogues et de substances psychotropes, le terrorisme et d'autres faits pénaux.	Approbations internes avant les négociations.

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Letter dated 28 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Argentina, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

02-21166 (E) 080302 130302

Annex

[Original: Spanish]

Letter dated 27 December 2001 from the Permanent Representative of Argentina to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

On instructions from my Government, I have the honour to submit the report of Argentina in accordance with paragraph 6 of Security Council resolution 1373 (2001) (see enclosure).

I should be grateful if you could arrange for this letter and the enclosed report to be circulated as a document of the Security Council.

(*Signed*) Arnoldo M. **Listre**
Ambassador
Permanent Representative of Argentina to the United Nations

Enclosure

Report of the Argentine Republic on its implementation of Security Council resolution 1373 (2001)*

Argentina has undertaken to cooperate comprehensively with the United Nations in combating international terrorism. The Government is therefore taking steps to implement fully the provisions of Security Council resolution 1373 (2001) and to cooperate with Member States both bilaterally and at the regional and international levels.

In the domestic sphere, Argentina has taken the necessary operational decisions, conducted a review of existing legislation in the light of the provisions of resolution 1373 (2001) and is taking whatever measures may be necessary.

At the same time, it has taken steps to enhance its participation in the relevant international agreements.

Replies to the questions from the Counter-Terrorism Committee relating to the implementation of resolution 1373 (2001)

A. Paragraph 1:

Decides that all States shall:

(a) Prevent and suppress the financing of terrorist acts;

What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1(b) to (d)?

(b) Criminalize the wilful provision or collection, by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts;

What are the offences and penalties in your country with respect to the activities listed in this subparagraph?

Argentine law does not characterize terrorism or terrorist acts as a separate offence nor does it lay down penalties for such acts. Argentine criminal law says nothing about terrorism being a component of any criminal offence or a general or specific aggravating circumstance. Consequently, it does not characterize as offences actions aimed at financing terrorism or terrorist acts in the manner described in paragraph 1 (b) of the resolution.

In order to analyse and evaluate to what extent Argentine criminal law is in line with international conventions concerning terrorism and prepare any draft legislation that may be necessary, an inter-ministerial committee is being set up. The committee will comprise experts from the Ministry of Foreign Affairs, International Trade and Worship, the Ministry of the Interior, the Ministry of Justice and Human Rights and the Office of the Public Prosecutor, as well as independent experts well

* The annexes to this report are on file with the Secretariat and are available for consultation.

known for their experience and competence in the area. The committee's task will be to characterize as offences the criminal acts referred to in the aforementioned international conventions so that they can be incorporated into the Penal Code within 180 days.

However, certain criminal acts which, owing to their impact in terms of damage to persons or goods, may be related to terrorist acts, are covered by other offences under Argentine criminal law.

Thus, article 210 of the Penal Code defines the offence of unlawful association as participation in an association or group of three or more persons existing for criminal purposes; simply being a member of the association is an offence. This could cover participation of individuals in an organization existing for the purpose of committing certain criminal acts defined in the law which, owing to their impact in terms of damage to persons or goods, may be related to terrorist acts. Such participation might include the financing of criminal acts. The penalty provided for is 3 to 10 years' ordinary or rigorous imprisonment.

Article 210 bis of the Penal Code, concerning aggravated unlawful association lists, inter alia, cooperation or assistance in the creation or maintenance of an unlawful association existing for criminal purposes if this action jeopardizes the operation of the Constitution, as a punishable act. The penalty is from 5 to 20 years' ordinary or rigorous imprisonment.

Certain offences which could be considered acts of terrorism would be covered by the provisions of Title VII, "Offences against public safety", particularly under chapter 1, "Fire and other criminal damage" (art. 186, 187, 188 and 189 bis of the Penal Code), chapter 2, "Offences against the safety of transport and communications" (art. 190 and 191) and chapter 4, "Offences against public health — poisoning or adulterating drinking water, food or medicines" (art. 200 and 202); and of Title VIII, "Offences against public order" (art. 210, 210 bis, 211, 212 and 213 bis), which carry penalties of from 2 to 25 years' ordinary or rigorous imprisonment. The offences defined in articles 217 and 218 of the Aviation Code would also apply in the case of terrorist attacks on aviation.

Argentine legislation defines terrorist acts as "Criminal acts committed by members of unlawful associations or organizations established for the purpose of creating alarm or fear, which are carried out by means of explosive or inflammable substances, weapons or other deadly items, when used to endanger the life or physical integrity of an indeterminate number of persons" (Act No. 25,241 on repentant offenders). These acts are not described for the purpose of defining a specific offence and penalty, but solely for the purposes of the application of this Act which provides for a reduced penalty for anyone who collaborates effectively in the investigation of such acts. Thus, the purpose of this provision is to obtain information in order to prevent or suppress terrorist acts.

Act No. 25,246 on concealment and laundering of the proceeds of criminal acts, of 13 April 2000, published on 11 May 2000, was incorporated into the Penal Code. Article 5 of this Act establishes the Financial Intelligence Unit (UIF). Article 6, which describes the Unit's functions, states that: "The Financial Intelligence Unit shall be responsible for the analysing, processing and transmitting of information for the purpose of preventing the laundering of assets derived, inter alia, from 'unlawful

acts committed by unlawful associations (art. 210 (d) of the Penal Code) organized for the commission of offences for political or racial purposes".

According to article 13 of the Act, the Unit may order and direct the analyses of acts, activities and operations which, under the provisions of this Act, may constitute laundering of assets derived from the unlawful acts described in article 6 of this Act and, as appropriate, submit the evidence obtained to the Office of the Public Prosecutor so that the appropriate procedures can be initiated (para. 2). It may also collaborate with the judicial organs and the Office of the Public Prosecutor in the criminal prosecution of offences covered by this Act (para. 3).

According to Article 14 of the Act, the Unit may request reports, documents, records and any other item it considers useful in carrying out its functions, from any public body, whether national, provincial or municipal, and from physical or legal persons, public or private; those receiving such requests are legally obliged to provide the requested items within the specified period (para. 1). It may also issue directives and instructions which must be observed and implemented by the subjects concerned by this Act, after consultation with the competent supervisory bodies (para. 10).

Article 19 provides that when the information obtained or the analyses carried out by the Unit contain sufficient evidence to suggest that one of the offences defined in this Act has been committed, that evidence shall immediately be submitted to the Office of the Public Prosecutor so that criminal proceedings can be initiated.

This Act modified article 278 of the Penal Code, incorporating the offence of money-laundering, defined as follows: "A prison sentence of 2 to 10 years and a fine of 2 to 10 times the amount of the transaction shall be imposed upon any person who converts, transfers, manages, sells, profits from or uses in any other manner sums of money or other assets derived from an offence in which he did not participate, in such a manner that the original assets or derived assets may as a result appear to be of legal origin, provided that their value exceeds the sum of 50,000 pesos, either by a single act or by the repetition of various interrelated acts". The minimum penalty is set at five years' imprisonment if the offender commits the act habitually or as a member of the association or group created for the purpose of committing acts of this nature (para. 1 (a) and (b)).

There is an administrative penal regime for legal persons committing acts of money-laundering: "A fine of 2 to 10 times the value of the assets which are the object of the offence shall be imposed upon any legal person a branch or agent of which has used assets of criminal origin in such a way that they may consequently appear to be of legal origin" (art. 23). The law also provides that failure to comply with the obligation to inform the Financial Intelligence Unit is punishable by a fine, which may be imposed upon both the physical person and the legal person in whose name he acts (art. 24).

Implementing regulations for the Act were provided for in Decree No. 1500/01, which provides that the Financial Intelligence Unit shall comprise experts from the Central Bank of Argentina, the National Securities Commission, the Programming Department for the Prevention of Drug Addiction and for Combating Drug Trafficking (SEDRONAR) and two independent experts. Decree No. 1547 of 28 November 2001 specifies the identity of the members of the Unit.

Argentina is a member of the Financial Action Task Force on Money-Laundering (FATF) and took part in the plenary meeting held in Washington, D.C., on 29 and 30 October 2001, at which the FATF special recommendations on terrorist financing and the corresponding plan of action were adopted. In accordance with the commitment it has entered into, the Argentine Government is required to adopt those recommendations and provide information to FATF.

Argentina is also a member of the South American Financial Action Group (GAFISUD), created at Cartagena on 8 December 2000. The headquarters of GAFISUD and the office of its Executive Secretary were established in Buenos Aires on 3 December 2001.

(c) Freeze without delay funds and other financial assets or economic resources of persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts; of entities owned or controlled directly or indirectly by such persons; and of persons and entities acting on behalf of, or at the direction of such persons and entities, including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons and entities;

What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.

For the purpose of freezing funds and other financial assets or economic resources belonging to persons or entities linked to terrorist acts, the Government incorporated the provisions of Security Council resolution 1373 (2001) into the country's domestic legislation by Executive Decree No. 1235/01, dated 5 October 2001. The decree requires all agencies of the executive power, federal government departments and agencies, provincial governments, municipal authorities and the autonomous government of the city of Buenos Aires to apply within their respective jurisdictions whatever measures may be necessary to comply with the decisions contained in resolution 1373 (2001). The purpose of Decree No. 1235/01 is to publicize the resolution so that it will be known and applied by the competent authorities.

The executive power had earlier promulgated Decree No. 253 of 17 March 2000 which, by making them known in the domestic legal system, gave effect to the provisions of Security Council resolution 1267 (1999) which calls for the freezing of the funds and other financial resources of the Taliban (para. 4 (b)).

Decree No. 1035 of 17 August 2001 is designed to implement resolution 1333 (2000), which calls for the freezing of funds and financial assets of Osama bin Laden and the Al-Qa'idah network, and of individuals and entities associated with them (para. 8 (c)).

The Ministry of Foreign Affairs, International Trade and Worship, pursuant to the provisions of Decree No. 1035/2001, through Ministerial Resolutions No. 2973 of 26 September 2001, No. 3165 of 11 October 2001, No. 3291 of 25 October 2001, No. 3397 of 8 November 2001 and No. 3711 of 11 December 2001, published in the official gazette of the Argentine Republic, has indicated which funds and financial resources have been designated for freezing by the sanctions committee established pursuant to resolution 1267 (1999) and has issued lists of individuals and entities identified by that Committee for the purpose of freezing their funds and financial

assets pursuant to paragraph 4 (b) of resolution 1267 (1999) and paragraph 8 (c) of resolution 1333 (2000).

Pursuant to these norms, the financial regulatory authorities adopted legislation to freeze the funds and financial assets of individuals and entities included in the lists identified by the sanctions committee and publicized in the above-mentioned ministerial resolutions.

The Central Bank of the Argentine Republic (BCRA), as the governing body of the Argentine banking and financial system, issued Communication "B" 6986 of 26 September 2001, Communication "B" 7017 of 18 October 2001 and Communication "B" 7023 of 25 October 2001. The first directed "all entities in the Argentine financial system to implement Decree No. 1035/01 by immediately freezing all funds and financial assets which may have been deposited by individuals and entities and associations included in Annex I" (which contains the lists identified by the Security Council sanctions committee), and directed "all the above-mentioned entities to implement this resolution and provide information, within one business day, on any funds and financial assets deposited by the above-mentioned persons".

The second incorporates additions to the list and extends the scope of the freezing measures and the request to provide information to "entities owned or controlled directly or indirectly by the above-mentioned persons ... and by persons and entities acting on behalf of or at the direction of such persons and entities, including with regard to funds derived or generated from property owned or controlled directly or indirectly by such persons and by the persons and entities associated with them". It also requires all entities in the financial system "to step up measures to verify the identity of their customers and [to comply with] other obligations set out in the norms on prevention of money laundering and other illicit activities". The third communication incorporates recent additions to the list of persons and entities subject to the measures on freezing of funds.

In addition, according to the Central Bank, among the preventive measures being considered are the recommendations adopted by the international financial community, which are based on the following four elements: (a) familiarity with the customer; (b) registration of financial operations which involve movements of funds exceeding a certain amount; (c) provision of information to the Central Bank on any suspicious, unusual, unjustified or unnecessarily complex transaction, which should be assessed on the basis of guidelines before being carried out; and (d) analysis of transfers to and from uncooperative countries.

The Central Bank is evaluating additional measures in accordance with the Special Recommendations on Terrorist Financing, issued by the extraordinary plenary session of the Financial Action Task Force on Money Laundering (FATF), held in October in Washington, D.C.

The National Superintendency of Insurance reports that it has checked its records, which list the governing boards, oversight bodies and shareholders of the insurance entities, and found no mention of any person named on the list.

The National Securities Commission (CNV), as the controlling and oversight authority, incorporated the system for the prevention of money-laundering outlined in Chapter XXII of the revised text of 2001 (N.T. 2001) into its regulatory framework, known as Regulations of the National Securities Commission. In the

context of Decree No. 1035/01, the National Securities Commission, under Chapter XXVIII entitled "Transitional provisions", added articles 7 to 10 which, pursuant to its General Resolutions No. 375 of 27 September 2001 and No. 377 of 25 October 2001, direct "securities markets, commodities exchanges, the Mercado Abierto Electrónico S.A., the Caja de Valores S.A., the futures and options markets, mutual funds investment companies, financial trustees and any individual or entity subject to control and oversight by the National Securities Commission, pursuant to Executive Decree No. 1035/01, to freeze, without delay, funds and financial assets of persons or entities identified on the lists", and "to ensure that those or other funds or financial resources are not utilized by persons or entities whose names appear thereon" (art. 7). They further direct those mentioned in article 7 to comply with the duty to provide information, and the Mercado Abierto Electrónico S.A., the futures and options markets and the securities markets to adopt the necessary regulations for the proper execution of the executive order (art. 8, 9 and 10).

As far back as 1998, the Federal Administration of Public Income (AFIP) had set up a system of information, under General Resolution AFIP-DGI No. 160/98 of 2 July 1998, requiring all financial entities, stockbrokers and open market dealers to report all bank and/or securities transactions in which the amounts credited exceed US$ 8,000, both for companies and individuals, whether national or foreign.

General Instruction 591/01, issued within the framework of the application of these norms and Act No. 25,246 mentioned above, instructs AFIP departments to establish the necessary computer links with a view to detecting operations which, a priori, seem suspicious.

Apart from the above-mentioned cases of freezing funds and financial resources, under Argentine procedural rules, funds in bank accounts cannot be frozen without a court order.

Moreover, in the Argentine legal system, provisional attachment (art. 518 of the Code of Penal Procedure (CPP)) and seizure of assets (art. 231 of the Code of Penal Procedure) are precautionary measures taken to preserve assets during the penal proceedings, while confiscation (art. 23 of the Penal Code) is ancillary to the penalty imposed at the sentencing stage.

(d) Prohibit their nationals or any persons and entities within their territories from making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, or entities owned or controlled, directly or indirectly, by such persons and of persons and entities acting on behalf of or at the direction of such persons.

What measures exist to prohibit the activities listed in this subparagraph?

As for prohibiting nationals or persons or entities in the national territory from making funds, financial assets or economic resources or other related services available, it should be noted that deterrent measures and sanctions against such activities are defined in the characterizations of the offences and penalties contained in the Law on Concealment and Laundering of Assets of Criminal Origin and in the characterizations contained in the Penal Code, referred to in preceding paragraphs.

Moreover, the generic offence of participation in the commission of a crime, referred to in articles 45 and 46 of the Penal Code, is applicable in this case.

Administrative sanctions against entities are outlined in the Act on Concealment and Laundering of Assets of Criminal Origin and in the general norms to be applied by the Inspectorate of Entities when an entity violates the object for which it was established; these include deprivation of the legal capacity to operate under the Argentine legal system.

B. Paragraph 2:

Decides also that all States shall:

(a) Refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists;

What legislation or other measures are in place to give effect to this subparagraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?

The Argentine Republic provides no support whatsoever to terrorism and strongly condemns States that do so. It has coordinated and helped set up mechanisms at the subregional level and in MERCOSUR to prevent and combat terrorism. It has actively participated in the meeting of legal experts of the Rio Group held in Santiago, Chile, from 5 to 6 November 2001, whose purpose was to study ways in which the countries of the Group could comply with the requirements of Security Council resolution 1373 (2001) and its guidelines. Argentina participated in the Declaration on Terrorism by the Ministers for Foreign Affairs of the Rio Group, adopted in New York on 14 November 2001. It promoted and took part in the adoption of the Political Declaration against Terrorism by the Ibero-American summit meeting held in Lima on 24 November 2001. At the inter-American level, Argentina is taking an active role in the Inter-American Committee against Terrorism (CICTE), of which it is Vice-Chairman, and is promoting the drafting of an inter-American convention on the prevention and punishment of terrorism, with a view to complementing and supporting United Nations efforts in this field. It is noteworthy that Argentina hosted the Second Inter-American Specialized Conference on Terrorism (Mar del Plata, 23 and 24 November 1998), which adopted the Commitment of Mar del Plata, leading to the establishment of the Inter-American Committee against Terrorism (CICTE).

(i) Recruitment of members of terrorist groups

At the domestic level, Argentine criminal law includes the category of "recruitment" under the offence of unlawful association (art. 210 of the Penal Code), which could be applied to members of terrorist groups, whether as perpetrators, accomplices or participants.

Article 211 (on public intimidation) imposes a penalty of two to six years' imprisonment on anyone who, in order to frighten the public or incite disturbances or disorder, makes signs, raises alarms, threatens to commit an act that will endanger the public or uses other material means suited to producing such effects. The use of

explosives, harmful chemicals or similar materials for such purposes, provided that the act does not constitute an attack against public security, is penalized by 3 to 10 years' imprisonment.

With regard to an attack against public security, article 213 of the Penal Code provides that "anyone who organizes or takes part in permanent or temporary groups not covered by article 210 of this Code whose primary or secondary purpose is to impose their ideas or combat those of others by force or threat shall be punished with three to eight years' confinement or imprisonment solely by virtue of being a member of the group".

With regard to operational measures, Argentina's framework law is Domestic Security Act No. 24,059 and its regulations.

The operational and intelligence unit is the National Police Force (ENP), established with the institutional support of the Argentine Federal Police (PFA), the Argentine National Gendarmerie (GNA), the Argentine Coast Guard (PNA), the National Aeronautical Police (PAN) and the provincial police of the 23 districts that make up the national territory.

One of the most important of the other agencies that cooperate with ENP is the Intelligence Secretariat (formerly the Secretariat of State Intelligence (SIDE)), which now also includes the support formerly provided by the National Intelligence Centre (CNI), pursuant to the new National Intelligence Act No. 25,520 of 6 December 2001.

The main preventive effort is being made in large cities and key border areas (land, river and sea borders and the airspace above them); in particular, the so-called "tri-border" area (where Argentina, Brazil and Paraguay converge) is being carefully watched.

The Domestic Security Secretariat coordinates any joint and combined ENP operations in which it participates, and also any inter-agency operations, both in Argentina and abroad, that relate to the problem of domestic security.

Pursuant to Domestic Security Act No. 24,059, ENP is actively involved in intelligence and preventive operations to detect and/or neutralize the activities of groups or organizations that are or might be linked to terrorist organizations.

These activities also extend to the effort to control the potential sale of illegal weapons (by monitoring materiel depots, weapons for civilian use, explosives, gunpowder, munitions and related materials) in the national territory, including by setting up roadblocks throughout the country, in accordance with Act No. 20,429, articles 23 and 25 (on weapons, gunpowder, explosives and related materials).

On 18 May 1996, the Tri-border Tripartite Command was set up, originally composed of permanent members of the domestic security forces of Argentina, Brazil and Paraguay. Its primary purpose is to strengthen border cooperation in matters of domestic security, and especially to combat international terrorism, drug trafficking, money-laundering, smuggling of weapons, munitions and explosives and other offences of organized transnational crime.

Uruguay currently participates in the Tripartite Command as an observer; the MERCOSUR associated States Bolivia and Chile are scheduled to become observers soon.

PFA, PNA and GNA are permanent institutional members from Argentina. Also invited to participate are the National Aeronautical Police, the Intelligence Secretariat (formerly SIDE), customs and mission police and others, depending on the security needs at any particular moment.

In recent years, the basic operation of the Tripartite Command has allowed for a useful exchange of information and joint and combined action in a context of systematic cooperation among the active forces and effective institutional integration.

(ii) Supply of weapons

With regard to the supply of weapons, Argentine law imposes a penalty of 5 to 15 years' imprisonment on anyone who, "for the purposes of helping to commit crimes against public security or causing damage to machinery or production, manufactures, supplies, acquires, steals or possesses bombs, nuclear materials or devices, explosives, inflammables, asphyxiating or toxic substances or substances or materials used in their preparation" (art. 189 bis of the Penal Code).

The same penalty applies to anyone who provides instructions for the preparation of the substances or materials referred to in the previous paragraph, when they know or should have known that they are aiding or abetting the commission of offences against public security or acts intended to cause damage to machinery or production.

The Penal Code imposes penalties of from three to six years' imprisonment for merely carrying a weapon for civilian use without proper authorization or for the mere possession of a war weapon or the materials referred to in the first paragraph of this section without proper authorization. The penalty is 4 to 8 years' imprisonment or confinement for the stockpiling of weapons and up to 10 years for the stockpiling of war weapons, munitions, or parts or machinery to produce such weapons (art. 189 bis).

With regard to government policies designed to meet public security needs, the National Arms Registry (RENAR) is responsible for recording and controlling transactions relating to firearms, munitions or explosives; this work is relevant to achieving the intended aim, while at the same time ensuring that citizens can exercise their controlled right to possess and use the above-mentioned materials legally.

As for gunpowder, explosives and related materials, article 20 of Act No. 20,429 (Weapons Act) provides that importers, exporters, manufacturers, clients and all those who trade, manufacture or use gunpowder, explosives and related materials must register with the Ministry of Defence. Gunpowder, explosives and related materials may be imported, exported, manufactured, marketed and used only by agents registered with the National Arms Registry referred to in the previous paragraph.

The current system for controlling sensitive exports and war materiel is regulated by the provisions of Decree No. 603 of 9 April 1992, which set up the National Commission for the Control of Sensitive Exports and War Materiel.

Since 9 October 2001, Argentina has been a party to the understanding between MERCOSUR, the Republic of Bolivia and the Republic of Chile

concerning the Joint Mechanism for the Registering of Buyers and Sellers of Firearms, Ammunition, Explosives and other Related Materials of 23 July 1998 and the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials, signed in Washington, D.C., on 14 November 1997.

(b) Take the necessary steps to prevent the commission of terrorist acts, including by provision of early warning to other States by exchange of information;

What other steps are being taken to prevent the commission of terrorist acts, and in particular, what early warning mechanisms exist to allow exchange of information with other States?

As a result of the events of 11 September 2001, the Government of the Argentine Republic has taken the following steps:

1. Issued a permanent alert to the federal forces (PFA, PNA and GNA) "... on the control of all locations whose importance or state of unrest makes them susceptible to terrorist acts ..."

2. Issued a permanent alert to the provincial police, recommending full deployment of branches and/or specialized groups that specialize in preventing and combating terrorism.

3. Announced a temporary alert of all civil defence offices in the provinces and in the City of Buenos Aires.

4. Issued a note to the security secretariats of MERCOSUR and associated countries to expedite the circulation of an information bulletin in the context of regional action to "coordinate procedures for immediate collaboration between competent agencies of the signatory countries in concrete situations of terrorist risk" (adopted on 8 June 2001).

5. Coordinated with the Department of International Organizations of the Ministry of Foreign Affairs to study the feasibility of convening a special meeting of the Inter-American Committee against Terrorism (CICTE) under the auspices of the Organization of American States as soon as possible.

It is important to note that Argentina's ENP forces participate in the Specialized Working Group on Terrorism, a subgroup of the Permanent Working Group established at the meeting of Ministers of the Interior of the members of MERCOSUR and Bolivia and Chile for the coordination of action against international terrorism.

The Domestic Security Secretariat is the regulatory body for Argentina and directs its delegation's participation.

The above-mentioned measures have made it possible to devise and strengthen early-warning mechanisms and detailed procedures for monitoring world and regional events at an effective level of cooperation.

ENP also actively participates in the exchange of intelligence and in many joint preventive operations.

As for the National Intelligence System, the Domestic Security Secretariat keeps in close and continual institutional contact with the Intelligence Secretariat

(SI), the agency that directs the National Intelligence System in accordance with its mandate under the new National Intelligence Act referred to above.

The Argentine Coast Guard is developing strict security measures in Argentine port terminals consistent with international guidelines and similar procedures adopted internationally by other countries:

- International Maritime Organization (IMO), Maritime Safety Committee Circular 443.
- Code of Federal Regulations of the United States (Security of passenger vessels and terminals).
- Recommendations of the International Civil Aviation Organization (applied to air terminals).
- Navigation and Vessel Inspection Circular No. 3-96, CH-1 of the United States Coast Guard.

The Argentine Coast Guard has also tailored its operational activity to the new international procedures, redefining the following five "Priority Areas of Operational Sensitivity" (ASOP):

ASOP ICIA: comprises the production of basic support intelligence in all fields to neutralize and prevent any type of potential threat to domestic security.

ASOP NORDESTE: comprises the tri-border area and deals with the problems of navigation across and along the Paraná, Paraguay and Iguazú rivers.

ASOP DELTA: comprises the island group of San Nicolás-San Isidro and all the watercourses connecting it with the Eastern Republic of Uruguay where there is intensive navigation by both commercial vessels and pleasure craft.

ASOP RIOPLA: comprises the focal area of the River Plate, with special reference to the ports of Tigre, Buenos Aires, Dock Sud and La Plata, because of its connection with international merchant shipping and the large number of passenger vessels.

ASOP ATLÁNTICA: comprises the exclusive economic zone, ports and international shipping arriving in our country or engaged in innocent passage.

In port and passenger terminals, the Argentine Coast Guard has introduced security measures which also comply with international guidelines and establish the following levels of security:

Security level I: a precautionary level of security adopted when there is a verifiable threat of an illicit action against a vessel or terminal.

Security level II: a precautionary level of security adopted when there is a possible threat of an illicit action against a vessel or terminal and information indicates that terrorists are likely to be active in that connection.

Security level III: a precautionary level of security adopted when the threat of an illicit action against a vessel or terminal is probable or imminent and information indicates that terrorists have chosen specific targets.

On the basis of the global, regional and national domestic security situation, the Argentine Coast Guard has adopted security level II for port and passenger

terminals in view of the intensive processing of international tourist passenger vessels and in accordance with the measures adopted by the United States Coast Guard, in conformity with the standards of Navigation and Vessel Inspection Circular No. 3-96, CH-1, the Code of Federal Regulations of the United States, the maritime safety manual and Circular 443 of the IMO Maritime Safety Committee.

In addition, the Argentine Coast Guard has set up special surveillance of vital facilities throughout its area of jurisdiction (sources of water supply, the piles of international bridges, power stations and dams).

For the fight against international terrorism, GNA through the Intelligence Directorate and the Special Counter-Terrorism Intelligence Unit, maintains close reciprocal cooperation with the national agencies of the ENP and related international agencies.

The National Aeronautical Police (PAN), within its specific field of jurisdiction, keeps the airport security measures fully operational; to that end, and in compliance with Law 21.521/77 and with the provisions of the National Airport Security Programme, published in Boletín Oficial No. 29.738 of 24 September 2001, resolution 383/01 was implemented at level III threat corresponding to a situation in which information obtained indicates that terrorist groups or another hostile organization with a known capacity to attack civil aviation will probably carry out attacks against targets in third States, or that action that will have a direct impact on civil aviation in the Argentine Republic has begun or is about to begin.

Furthermore, members of PAN act as liaison officers with the International Criminal Police Organization (Interpol) and the special operations group coordinated by the Domestic Security Secretariat and responsible for the entire range of intelligence and operational issues in the fight against transnational organized crime.

(c) Deny safe haven to those who finance, plan, support, or commit terrorist acts, or provide safe havens;

What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this subparagraph? It would be helpful if States supplied examples of any relevant action taken.

In Argentina, refugee status is regulated by the Convention Relating to the Status of Refugees of 1951 and its Protocol of 1967. Decree 464/1985 establishing the Committee on Eligibility for Refugee Status set up the national body through which requests for safe haven are channelled.

Furthermore, UNHCR has published a Handbook on Procedures and Criteria for Determining Refugee Status which provides guidance for the decisions of the Committee.

According to the Handbook, Article 1F, of the 1951 Convention "enumerates the categories of persons who are not considered to be deserving of international protection" and who are excluded from refugee status. Article 1F states that the provisions of the Convention "shall not apply to any person with respect to whom there are serious reasons for considering that:

(a) He has committed a crime against peace, a war crime or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

(b) He has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;

(c) He has been guilty of acts contrary to the purposes and principles of the United Nations."

The Convention does not refer explicitly to terrorism. However, the specified reasons for exclusion are typical of illegal acts to which terrorist action normally gives rise and therefore members of terrorist organizations are implicitly excluded from refugee status.

In that connection, it should be pointed out that Argentina considers terrorist acts as serious ordinary crimes and that the reasons for exclusion referred to in article 1F (b) apply directly, in principle, to applicants with respect to whom there are serious reasons for considering that they have committed such acts.

In addition, the Convention provides that in order for these clauses to apply it is sufficient to establish that there are "serious reasons for considering" that one of the acts described has been committed. Formal proof of previous penal prosecution is not required.

Similarly, the Committee on Eligibility for Refugee Status applies the criteria of UNHCR where there is doubt as to the "common" or "political" nature of the crime committed. UNHCR recommends the application of less rigorous standards to serious common crimes than to political crimes but establishes at the same time that in the latter case, the acts committed must be proportional to the alleged objective and that in no case can they involve the perpetration of atrocities.

With respect to the case of crimes against peace, war crimes or crimes against humanity (article 1F (a)), the UNHCR criteria, which are applied in Argentina, require that, although those provisions are aimed principally at persons who have performed official functions, they are also applicable to persons who have committed such crimes in the framework of various non-governmental groupings, whether officially recognized or clandestine.

(d) Prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other States or their citizens;

What legislation or procedures exist to prevent terrorists acting from your territory against other States or citizens? It would be helpful if States supplied examples of any relevant action taken.

In addition to the measures and rules referred to in paragraph 1 (d), it should be pointed out that under article 210 of the Penal Code, which defines the offence of unlawful association, anyone who decides to participate in an association or group of three or more persons existing for criminal purposes, simply by virtue of being a member of the association is criminally punishable irrespective of whether the crimes are committed in the territory of the Republic, in places subject to its jurisdiction or elsewhere against other States or their citizens. According to this definition, the participation of individuals in an organization that is intended to

commit certain criminal acts characterized as crimes which, on the basis of their consequences in terms of injury to persons or damage to property, might be analogous to acts of terrorism abroad, could be regarded as criminal. Such participation might include the financing, planning or facilitation of such acts.

From the operational point of view, all the forces belonging to the ENP have drawn up and are implementing operational and intelligence plans and programmes providing for coordination and cooperation within the national internal security system.

The Security Secretariat has actively been performing its coordination function as required by law.

PAN, through the Department of Aviation Security, keeps in force a special directive known as annex ALFA which establishes the objective of putting into effect security measures, since the events of 11 September 2001 in the United States of America, in all Argentine airports and which also contains recommendations on the inspection and registration of passengers, the inspection of aircraft, checked baggage, cargo, control of entry points, boundaries of the public/aeronautical sector, embarkation halls, cleaning staff and special considerations. PAN assists the National Directorate of Immigration; the control of passenger documentation at international airports is carried out by the immigration authorities by agreement with that body.

On the basis of a bilateral agreement on air transport services between the United States of America and Argentina, PAN has personnel qualified and trained in international aviation security, crisis management, hostage negotiation, tactical response group and the recovery of hostages and aircraft, and countermeasures in the event of incidents involving explosives, the protection of dignitaries and VIPs.

For its part, PAN has strengthened the security measures in the frontier zone by means of the following:

- Creation of river monitoring units: in order to provide adequate and effective security in the sector, specially trained personnel operate in a law-enforcement capacity in the specific functions of safety of shipping, protection of the environment and public safety, supported by adequate transport and technological backup.

  These river monitoring units reinforce the forces normally deployed in the area, joining them immediately wherever their presence is required.

- Redeployment of aerial units: in order to achieve better and more effective coverage of the critical sector, air units have been moved to Misiones and Corrientes provinces.

Following the attacks against the Israeli embassy and the Asociación Mutual Israelita Argentina (AMIA), the Argentine National Gendarmerie made a nationwide survey of all foreign consular offices, in particular Arab and Israeli offices, which also covered the schools, sports clubs and headquarters of such communities, in order to define specific security and support procedures capable of assisting in the prevention of terrorist acts; evacuation drills and plans for the coordination of assistance and rescue activities were also included, in conjunction with other institutions linked with civil defence.

GNA, together with other federal forces, is part of the special investigation unit for the AMIA incident created by decree 452/00 which are collaborating actively in the investigation of the incident. In addition, coordination plans for particular components of the force have been prepared in order to strengthen the capability for the prevention, investigation and possible suppression of terrorist acts.

GNA has the task of protecting various Argentine diplomatic missions, ensuring physical security within the facilities and the security of persons working there. For that purpose, the required security surveys are made and agreement is reached with similar forces in the countries where the diplomatic headquarters are located so as to coordinate security measures to prevent any terrorist action.

(e) Ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and ensure that, in addition to any other measures against them, such terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts;

What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.

Argentine criminal law does not recognize the category of "serious criminal offences". Nevertheless, and taking into account the standard of the sentence for unlawful association (article 210 of the Penal Code), it is arguable that criminal acts established as crimes which, by virtue of their consequences in terms of injury to persons or damage to property might be analogous to acts of terrorism, could be regarded as serious criminal offences.

The interministerial commission referred to in paragraph 1 (a) and (b) provides for the prosecution of persons who commit the offences referred to and the inclusion of the penalties corresponding to those offences, bearing in mind the seriousness of the acts in relation to other criminal acts covered by the Argentine penal code.

The Argentine Republic suffered two serious terrorist attacks, against the Embassy of Israel in 1991 and against the Asociación Mutual Israelita Argentina (AMIA) in 1994, which were both investigated by the Argentine courts.

The case of the Israeli Embassy (case S.143 XXIV) came before the Supreme Court of Justice, in accordance with the provision of the Constitution, which confers jurisdiction on the Court in cases affecting diplomatic legations. The Court established a Special Secretariat to handle the investigation, but it is still trying to find those responsible. The Court has issued a number of national and international arrest warrants for those members of Islamic Jihad regarding whom there is enough information for them to be charged and prosecuted.

The attack against AMIA (case 1156, labelled "633 Pasteur Street. Offence: murder, injuries, damage") is being heard by the National Court for Federal Criminal and Correctional Cases No. 9, Registry No. 17. The proceedings are under way and letters rogatory have been sent to various countries; many of them still await a reply.

In February 2000, part of the case was moved for trial before Federal Oral Tribunal No. 3, where hearings started on 24 September 2001, while the

investigation of the rest of the case is continuing. The cases brought to trial relate to persons who participated in the attack as accessories after the fact or as participants in a variety of offences, including murder, injury or damage aggravated under Act No. 23,592 concerning the suppression of discriminatory acts or omissions. Some of the suspects, although their cases were dismissed as regards their participation in the attack, were found guilty by Oral Tribunal No. 4 of possessing and stockpiling weapons of war. It should be noted that a reward of up to US$ 3 million has been offered for anyone providing information and that anyone cooperating with the investigation would be eligible for a reduced sentence, as stated above.

(f) Afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for the proceedings;

What procedures and mechanisms are in place to assist other States? Please provide any available details of how these have been used in practice.

The Argentine Republic is party to a number of bilateral and multilateral agreements concerning extradition and legal assistance in criminal matters.

- Bilateral agreements concerning legal assistance in criminal matters:

  Australia (1990), Brazil (1880), Canada (2000), Colombia (1997), Chile (1935), Italy (1987), Paraguay (1880), Peru (1999), Spain (1987), United States (1990).

- Multilateral agreements concerning legal assistance in criminal matters:

  Protocol on Mutual Legal Assistance in Criminal Matters, signed by the Common Market of the Southern Cone (MERCOSUR) (Argentina, Brazil, Paraguay, Uruguay), 1996.

- Bilateral extradition agreements:

  Australia (1988), Belgium (1886), Brazil (1961), Italy (1987), Netherlands (1893), Paraguay (1996), Republic of Korea (1995), Spain (1987), Switzerland (1906), United Kingdom of Great Britain and Northern Ireland (1889), United States (1997) and Uruguay (1996).

  The 1889 extradition treaty with the United Kingdom of Great Britain and Northern Ireland is in force also in the following countries: Canada, Kenya, Pakistan, Papua New Guinea and South Africa.

- Multilateral extradition agreements:

  Treaty on International Criminal Law (Montevideo, 23 January 1889); Inter-American Convention on Extradition (Montevideo, 26 December 1933).

Over the past few years, the Republic has also been negotiating a series of new bilateral treaties on extradition and legal cooperation with countries with which treaties had previously been lacking and updating the older existing treaties. A large number of administrative agreements also exist between the relevant Argentine agencies and their counterparts in third countries.

In the absence of a treaty, requests for extradition or legal assistance in criminal matters are regulated by Act 24.767 concerning international cooperation in

criminal matters. Article 1 of the Act provides that the Argentine Republic shall afford any State that so requests the fullest cooperation in the investigation, trial or punishment of offences under the jurisdiction of that country. In other words, legal assistance in criminal matters and extradition are mandatory for the Argentine authorities in the circumstances provided for under the Act, even when there is no treaty with the requesting State.

The broad spirit of cooperation enshrined in the law is expressed in certain principles, such as the principle that, in determining the competence of the requesting country with regard to the offence to which the request relates, that country's legislation shall apply; the fact that the offence comes also under Argentine jurisdiction shall not constitute an obstacle to the provision of assistance, except in certain extradition cases (art. 5). Although the extradition of nationals is not prohibited under the Act, nationals are given the option of being tried by an Argentine court. In that case extradition is not in order (art. 12). Lastly, it should be noted that legal assistance must be extended even when the action prompting the request is not an offence in Argentina, except in certain cases, such as the confiscation of goods or the searching of houses (art. 68).

(g) Prevent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents;

How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery, etc.?

(i) Border controls

The primary responsibility for international border control in our country falls to federal forces whose jurisdiction and competence extend to the international border. In this context, the duties of each force may be summarized as follows:

- The National Aeronautical Police (PAN) monitors the national and international airports, assisting the immigration authorities and, in particular, with airport security. It operates around the clock, 24 hours a day.
- The Argentine Coast Guard (PNA) monitors both authorized crossing points (ports) and unauthorized points (other river, lake and sea borders). It, too, operates around the clock.

  PNA has fixed and mobile units made up of men and vehicles for patrolling on land, by air (using helicopters and seaplanes), river (using small craft and coast guard vessels) and sea (using large coast guard vessels).

  It also maintains close cooperation with similar forces in neighbouring countries.

  PNA is also charged with assisting the National Directorate of Migration (DNM).
- The Argentine National Gendarmerie (GNA) has a permanent staff which basically covers the whole land border. Its responsibilities also cover authorized border crossing points and unauthorized sectors.

It has a fixed operational unit and also mobile units comprising patrols on foot, on horseback, by mule, by motorbike, in small craft (on the waters of the Uruguay river above San Javier) and in seaplanes (helicopters or aeroplanes).

There is constant and close cooperation with similar forces in neighbouring countries.

At some major crossings, such as Santo Tomé-Sao Borja, Paso de los Libres-Uruguaiana, Colón-Paysandú, Iguazú-Fray Bentos and Cristo Redentor (the border with Chile) controls are carried out jointly with customs and migration control bodies and similar forces from neighbouring countries.

- The Argentine Federal Police (PFA) polices the railways and is responsible for international rail crossing points.

In the rest of the country, it assists ENP, with its workforce concentrated mostly in Buenos Aires but also throughout the country.

This body coordinates the activities of the International Criminal Police Organization (Interpol) in Argentina and other South American countries.

It also works actively with the Federal Judiciary throughout the country to combat terrorism and transnational organized crime.

Security level II, currently enforced and applied by the PNA in port and passenger terminals, involves the use of tighter controls, as follows:

- Passengers are subject to questioning for security purposes, their movements are monitored at all times and all hand luggage is searched, manually or automatically.
- Luggage is inspected according to the passengers' profile and attitude. Between 30 per cent and 70 per cent of checked luggage is searched manually or automatically and luggage is kept under constant guard until embarkation.

PNA has also initiated action to encourage the various operators of port terminals, especially passenger terminals, to acquire technology enabling them to check crews, passengers and luggage commensurately with the prevailing level of security.

The Federal Forces have stepped up the availability of courses dealing with terrorism, focusing not only on the measures required to update techniques but also on operational implementation and intelligence, the latter including both intelligence and counter-intelligence.

The DNM has greatly tightened checks on persons entering the country at airports and at land, sea and river crossing points, paying particular attention to the nationals of a number of countries that require particular vigilance.

It has also cut down on local border traffic and set up new control guidelines for the Iguazú tourist crossing in what is commonly known as the "tri-border" area in the interests of improving the security operations of the immigration authorities.

A border-crossing monitoring group undertakes periodic operations in support of the auxiliary immigration police at particularly significant land crossings or those with heavy traffic, while, in airports where control facilities have been assigned to the PAN, staff from DNM are participating in the inspection of foreign documents.

Similarly, at regional level, there is a continuing exchange of information regarding arrest warrants, expulsions, impediments, investments and visas granted or denied to non-MERCOSUR foreigners under the MERCOSUR, Bolivia and Chile Security Information Exchange plan.

Under a MERCOSUR plan concerning cooperation and mutual assistance for regional security, it has been decided to introduce extra entry and exit controls at all crossing points in order to prevent or discourage illegal activities in those places. There may be an exchange of observers or liaison officers between the States parties, which would strengthen relations among the border forces.

Mention should also be made of the security plan for the tri-border area agreed by the Governments of Argentina, Brazil and Paraguay in 1998. As regards migration, it involves the exchange of information among the consular offices of the three countries, in a given city, relating to visas denied to nationals of a specific group of countries. That information is then transmitted to their respective ministries for foreign affairs, and passed on to all consular offices of each country.

(ii) Control of travel and identity documents

With regard to identity and travel documents, mention should be made of the advances in security features now incorporated in new passports and federal identity cards in order to avoid forgeries and also the incorporation into such documents of information in scannable form. The main international airports have scanners that can take in a whole page and the idea is to continue installing scanners in other airports over the next five years, since they are a vital tool for the detection of false documentation.

C. Paragraph 3:

***Calls* upon all States to:**

(a) Find ways of intensifying and accelerating the exchange of operational information, especially regarding actions or movements of terrorist persons or networks; forged or falsified travel documents; traffic in arms, explosives or sensitive materials; use of communications technologies by terrorist groups; and the threat posed by the possession of weapons of mass destruction by terrorist groups;

What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this sub-paragraph?

(i) Control of travel and identity documents

Primary responsibility for the production of identity documents in Argentina is distributed as follows:

- The National Identity Document: its issuance is centralized at the National Registry, which has its headquarters in Buenos Aires and offices in each of the provinces.
- Travel documents (passports): these are issued by the Federal Police in coordination with the National Registry, under the very strict quality and security controls required by international practice

- The MERCOSUR Identity Card: this is issued by the Federal Police and is essentially valid within Argentina and the MERCOSUR countries. Its design incorporates the latest quality and security features in accordance with international standards.
- The Provincial Identity Card: this is issued by the provincial police forces in their respective areas and generally features a good level of security. It is basically used within the province concerned.

As for security measures to prevent the falsification of these documents, the strict and continuous application of quality controls and technological standards is accompanied by the everyday preventive and suppressive action of the National Police Force (ENP) in relation to the authenticity of documents. Occasional cases of falsification of documents appear from time to time and, as a result, valid conclusions are drawn regarding design errors and quality control is improved.

As for measures to intensify and accelerate the exchange of operational information regarding, inter alia, actions or movements of individual terrorists or terrorist networks, falsified or forged travel documents, traffic in arms, explosives, weapons of mass destruction or other sensitive materials, use of communications technologies by terrorist groups, operational measures are based upon mutual inter-agency cooperation. The measures include:

- Continuous action by the federal system of justice.
- Operational efforts and intelligence work by the federal forces of the National Police Force (PFA, GNA, PNA and PAN).
- Operational efforts and intelligence work by the provincial police forces, which are also part of the National Police Force.
- Additional support from collaborating organizations (such as the former SIDE and CNI, SEDRONAR, AFIP).
- Mutual cooperation, particularly with the MERCOSUR States but also with other countries.

Following the events of 11 September 2001, steps were taken to revitalize the functioning of the counter-terrorism system and improve domestic and international cooperation, particularly within MERCOSUR (recent actions by the agencies already mentioned in this report).

Within the current legal and judicial framework, Act No. 25,241 (the "repentant offenders law") has contributed particularly to investigative effectiveness; it provides for the use of active investigative methods which promise good results.

(ii) Exchanges of operational information on trafficking in arms, explosives, sensitive materials and weapons of mass destruction by terrorist groups

– *Customs Service computer system*: The export of weapons has been prohibited, since they are included among the goods listed in Decree No. 1035 of 15 August 2001 concerning Afghanistan. Under General Instruction No. 63/01 of 6 September 2001, the computer system will now block any attempt to export arms.

– *RENAR computerized system*: Since the entry into force in 1993 of Act No. 24,492, Argentina has had a computerized database of registered firearms which lists owners, manufacturers, importers, exporters and retailers. By law, the National Registry of Weapons (RENAR) must keep a nationwide register of individual and business users of firearms and a register of the weapons themselves.

All imported and exported goods are checked by an inspection commission comprising officials from the National Registry of Weapons, Customs, Aeronautical Police, the Argentine Coastguard or National Gendarmerie and the customs clearance and transportation agent. The procedure is recorded in the inspection record (for imported or exported goods as appropriate) and the information is fed into the national computerized database so that the sale of the goods can subsequently be tracked and monitored.

RENAR has recently implemented new operational procedures for the monitoring and recording of cross-border movements of arms, explosives and armoured vehicles. New tools have been produced for this purpose, standardizing operational procedures through the development of a more efficient computerized system in order to ensure that those who transport controlled items into or out of the country provide personal and technical information concerning the goods being moved. To that end, operational agreements with the Argentine Coastguard, Gendarmerie and Aeronautical Police, the bodies responsible for the aforementioned controls, have been updated.

In the framework of MERCOSUR, there are plans for a joint register mechanism of buyers and sellers of firearms, explosives, ammunition and related materials, involving Bolivia, Chile and the MERCOSUR countries. An agreement concluded in 1998 provides for the establishment of such a mechanism, which is to comprise the databases and other information storage systems belonging to the competent bodies. The information they contain will be available on request, via the Security Information System of MERCOSUR, Bolivia and Chile.

The register will list physical or legal persons who, individually or in the form of any type of business, are involved in activities aimed at the sale of the goods concerned. It will also list ports of arrival or departure authorized for trade in firearms, explosives and other related materials.

For various reasons, it has not yet been possible to implement the planned system, despite the time that has elapsed. Until the system and the sharing of information it provides for are effectively put into practice, Argentina has therefore proposed that the existing system at the Ministry of the Interior should be used, in respect of firearms only, in connection with the National Registry of Weapons. It has invited the member States of MERCOSUR and the associated States to act accordingly in order to strengthen this important aspect of subregional security.

– Registry of Chemical Weapons

Resolution 904/98, dated 30 December 1998, set up a Registry of Chemical Weapons under the Sub-Secretariat for Industry, to record the identity of physical and legal persons involved in the manufacture, sale, export or import of substances appearing on the lists, if the quantities by weight exceed the restrictions imposed by the Chemical Weapons Convention.

Any person engaged in activities involving chemicals included in list No. 1 as defined under the Convention and who produce, prepare, consume, import or export chemicals or precursors included in list No. 2 or No. 3 must make a declaration to the Registry. The same obligation applies to any person legally responsible for an industrial complex or plant which synthesizes certain organic chemicals.

As for the sharing of information on the threat represented by the possession by terrorist groups of weapons of mass destruction, Argentina participates in groups for the exchange of information on sensitive dual-use exports. These groups are the Nuclear Suppliers Group (NSG); the Australia Group (control of exports of chemical precursors and biological agents); the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies; and the Missile Technology Control Regime (MTCR).

(b) Exchange information in accordance with international and domestic law and cooperate on administrative and judicial matters to prevent the commission of terrorist acts;

What steps have been taken to exchange information and cooperate in the areas indicated in this subparagraph?

From the operational viewpoint, the Ministry of Foreign Affairs, International Trade and Worship is the central authority in the area of international judicial cooperation (assistance and extradition). In some cases, agreements have provided for that function to be carried out by the Ministry of Justice and Human Rights. This has made it possible to have free-flowing communications with the central authorities in other countries, facilitating judicial assistance in criminal matters and leading to improved effectiveness in complying with requests for assistance.

At the internal level, the central authorities in Argentina are working in coordination with the Interpol Department of the Argentine Federal Police on all aspects of assistance, arrests and extradition. An official of that Department acts as liaison between it and the Ministry, providing for improved fluidity and swiftness in dealing with requests for cooperation in penal matters and prompt notification of arrests.

Communications between the two bodies have been streamlined through the use of e-mail, and a programme is being prepared in order to standardize extradition applications made by or received by Argentina and international detention requests, with all possible information (name of the person being sought, requesting/requested State, alleged offences, nationality, type of offences, reasons for refusal of extradition, court concerned, etc.). This information facility will operate within the Ministry of Foreign Affairs of Argentina.

The central authorities in Argentina maintain direct contacts with the judiciary throughout the country.

Interpol has been provided with the addresses and telephone and fax numbers of those officials of the General Directorate of Legal Affairs of the Ministry of Foreign Affairs who are in charge of judicial cooperation matters.

Mechanisms for prevention and suppression of international terrorism have been strengthened by implementing the following measures, inter alia:

- A special unit was created (Decrees 452/00 and 107/01) to investigate the terrorist attack of 18 July 1994 against AMIA. The unit comprises members of the PFA, GNA and PNA, of the Federal Penitentiary Service and of the Anti-Corruption Office (Ministry of Justice and Human Rights). It is attached to the Political Affairs Secretariat of the Ministry of the Interior, and has the leading responsibility for providing support and coordination to all the bodies represented on it.

- Intensification of judicial activity at the federal level, throughout the country.

- Enactment of Law No. 25,246/00 on the prevention of money-laundering, which provided for the creation of the Financial Intelligence Unit (FIU) as a discrete structure to conduct and coordinate investigations of money-laundering.

- Creation under Decree No. 1,500/91 of the FIU. It is essentially made up of experts from the Central Bank, the National Securities Commission and SEDRONAR, as well as two independent experts.

- A considerable increase, subject to institutional resources, of the operational and intelligence capacities of all federal forces and provincial police forces belonging to the National Police Force (ENP), and of the related bodies cooperating with them.

- Strengthening of cooperation at the regional and international levels, with particular emphasis on the MERCOSUR area.

The cooperation of the Intelligence Secretariat (SI — the former SIDE) in this area is of particular importance:

- With the recent enactment of Act No. 25,520 on National Intelligence, the National Intelligence System has been redesigned. The Intelligence Secretariat (SI — the former SIDE) now exercises functional leadership and the authority to direct the bodies making up the System.

The current National Coordination and Analysis Directorate for Crime Prevention will be renamed the National Criminal Intelligence Directorate, pursuant to article 48 of the aforementioned Act, and will play a very important role in the National Intelligence System in terms of the coordination of the National Police Force (ENP), as described in Interior Security Act No. 24,059, in all matters related to internal security.

(c) Cooperate, particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks and take action against perpetrators of such acts;

What steps have been taken to cooperate in the areas indicated in this subparagraph?

At the bilateral level, Argentina has concluded treaties which provide for cooperation in combating terrorism, either specifically or as part of the fight against transnational organized crime. The States with which Argentina has entered into bilateral agreements are as follows: Bolivia (1996), Chile (1993), Egypt (1998), Italy (1992), Paraguay (1995), Turkey (1995) and Ukraine (1998). There are also inter-agency counter-terrorism agreements such as that between the Ministry of the

Interior of Argentina and the Federal Bureau of Investigation (FBI) of the United States of America (1999).

In the area of MERCOSUR, special mechanisms have been set up to improve cooperation in the operational sphere, through an understanding concerning cooperation and mutual assistance for regional security in MERCOSUR, the Republic of Bolivia and the Republic of Chile (Buenos Aires, 23 July 1998).

Argentina is currently negotiating a number of bilateral agreements on matters relating to terrorism. Also, the competent government departments have entered into numerous administrative agreements on the subject with their counterparts in other countries.

In keeping with its position with regard to the fight against terrorism, the Argentine Republic supports the conclusion of multilateral treaties which strengthen international cooperation mechanisms. It participates actively in the context of the United Nations and the inter-American system, as has already been described.

(d) Become parties as soon as possible to the relevant international conventions and protocols relating to terrorism, including the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999;

What are your Government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this subparagraph?

In the multilateral sphere, the Argentine Republic has signed the 12 international conventions relating to terrorism and is a party to nine of them:

– *Convention on Offences and Certain Other Acts Committed on Board Aircraft Tokyo, 14 September 1963.*

Adoption: Act No. 18,730
Accession: 23 July 1971
Entry into force for the Argentine Republic: 21 October 1963

– *Convention for the Suppression of Unlawful Seizure of Aircraft. The Hague, 16 December 1970.*

Signature: 16 December 1970
Adoption: Act No. 19,793
Ratification: 11 September 1972
Entry into force for the Argentine Republic: 11 October 1972

– *Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation. Montreal, 23 September 1971.*

Signature: 23 September 1971
Adoption: Act No. 20,411
Ratification: 26 November 1973
Entry into force for the Argentine Republic: 26 December 1973

– *Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. New York, 14 December 1973.*

Adoption: Act No. 22,509
Accession: 18 March 1982
Entry into force for the Argentine Republic: 18 March 1982

– *International Convention against the Taking of Hostages. New York, 17 December 1979*

Adoption: Act No. 23,956
Accession: 18 September 1991
Entry into force for the Argentine Republic: 18 October 1991

– *Convention on the Physical Protection of Nuclear Material. Vienna, 3 March 1980*

Signature: 28 February 1986
Adoption: Act No. 23,620
Ratification: 6 April 1989
Entry into force for the Argentine Republic: 6 May 1989

– *Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation. Montreal, 24 February 1988*

Signature: 24 February 1988
Adoption: Act No. 23,915
Ratification: 12 February 1992
Entry into force for the Argentine Republic: 12 March 1992

– *Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation. Rome, 10 March 1988*

Adoption: Act No. 24,209/93
Ratification: 17 August 1993
Entry into force: 15 November 1993

– *Convention on the Marking of Plastic Explosives for the Purpose of Detection. Montreal, 1 March 1991*

Signature: 1 March 1991
Adoption: Act No. 24,722
Ratification: 8 March 1999
Entry into force for the Argentine Republic: 7 May 1999

Of the three remaining instruments, the International Convention for the Suppression of Terrorist Bombings (New York, 15 December 1997) is under consideration by the national Congress with a view to its adoption. As to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf (Rome, 10 March 1988) and the International Convention for the Suppression of the Financing of Terrorism (New York, 18 November 1999), the respective instruments of adoption are under ministerial review and will then be transmitted to Congress.

(e) Increase cooperation and fully implement the relevant international conventions and protocols relating to terrorism and Security Council resolutions 1269 (1999) and 1368 (2001);

Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this subparagraph

In order to ensure the effective implementation of these treaties on the part of the Argentine Republic, an inter-ministerial commission is currently being formed to review and assess the need to adopt domestic legislation, particularly with regard to the categorization as criminal offences of the acts referred to in the treaties, as mentioned in relation to paragraphs (a) and (b).

As to resolution 1368 (2001), Argentina participated actively in convening the inter-American system and in the adoption of resolutions by the consultation meeting of the OAS Ministers for Foreign Affairs and the consultative body of the Inter-American Treaty of Reciprocal Assistance.

(f) Take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts;

What legislation, procedures and mechanisms are in place for ensuring asylum-seekers have not been involved in terrorist activity before granting refugee status? Please supply examples of any relevant cases.

In Argentina, refugee status is determined by the Committee on Eligibility for Refugee Status, an inter-ministerial body established by executive decree No. 464 of 14 March 1985, with the participation of the Office of the United Nations High Commissioner for Refugees.

That decree provides for the establishment, within the Ministry of the Interior/National Directorate of Immigration, of a Committee on Eligibility for Refugee Status consisting of four regular members and four alternate members. The regular members are:

(a) The National Director of Immigration;

(b) The Head of the Legal Affairs Department in the National Directorate of Immigration;

(c) The Head of the Aliens Admission Department in the National Directorate of Immigration;

(d) A representative of the Ministry of Foreign Affairs, International Trade and Worship.

The committee's functions include:

(a) Studying issues raised by the Refugee Institute and recommending policies to be followed at the national level;

(b) Deciding on the categorization as refugees of aliens who request refugee status or for whom such status is requested.

A representative of the Office of the United Nations High Commissioner for Refugees attends the committee's deliberations, with the right to speak.

The committee has broad powers to gather information about persons seeking refugee status, since public bodies at the national, provincial and municipal levels are required to provide whatever information, advice and/or assistance it requests.

The procedure before the committee includes the following steps: first, the applicant must complete a form and draw up a detailed written description of the circumstances which prompted him to leave his country. He is also required to provide supporting evidence. His personal data, information concerning his departure from his country and the circumstances described in the written submission are then exhaustively checked in a series of personal interviews carried out by specialized staff from the committee secretariat.

The case is then presented to the committee by the secretariat. The committee analyses and verifies the information, assessing the objective and subjective aspects. The information provided by the secretariat is checked against the information supplied by the regional office of UNHCR so as to ensure that there are no inconsistencies. The committee carefully verifies that all the principles referred to in the reply to the previous paragraph have been fulfilled. In the event that any member of the committee has doubts about the credibility of the case, the committee may call the applicant to appear in person before it.

With regard to the mechanisms following the determination of refugee status, the provisions in force which are implemented by the immigration authority after recognition of that status establish a procedure which makes its possible to locate any criminal record of the refugee which might exist, including possible terrorist activities.

As part of the administrative procedure for the documentation of aliens, Interpol is requested to supply reports on the national or international record of the person concerned (without identifying his status as refugee so as not to infringe upon the principle of confidentiality); should any grounds for exclusion mentioned in the previous reply be identified, this would give rise to a review of the status granted.

So far, there have been no cases of persons whose refugee status has had to be withdrawn on the grounds mentioned.

In the inter-American context, there is the category of "diplomatic asylum" which is governed by the 1954 Caracas Convention. In order to prevent this category being used by persons who have participated in the commission of terrorist acts, all Argentine diplomatic offices abroad have been sent circulars containing the lists of persons identified by the Security Council Committee established pursuant to resolution 1267 (1999), with instructions that requests for diplomatic asylum from these persons or from persons associated with the entities identified by that Committee should not be considered.

(g) Ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts, and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists;

What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures which prevent claims of political motivation being recognized as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.

(i) Procedures relating to refugee status

Argentina, like other Latin American countries, implements the Cartagena Declaration on Refugees, of 22 November 1984.

By means of this important Declaration, the countries of the region undertake, inter alia, to take appropriate measures to prevent refugees from participating in activities which are a threat to the country of origin. The Declaration also confirms the apolitical and exclusively humanitarian nature of recognition of refugee status.

Although, by its very nature, the Cartagena Declaration is not binding for the signatory States, the Committee on Eligibility for Refugee Status (CEPARE) duly takes into account the principles enshrined in the Declaration in determining the refugee status of asylum-seekers.

(ii) Exclusion of acts of terrorism from the exception for political crimes as a ground for denying extradition

Numerous extradition treaties signed by the Argentine Republic state that terrorist acts shall not be considered as included within the exception of non-extradition for political crimes (Republic of Korea, Spain, United States of America, Uruguay). An identical provision is included in article 9 of Act No. 24,767 on international cooperation in criminal matters, already referred to, which is additionally applicable in areas not governed by such treaties.

It should be noted that the extradition agreement with Uruguay and the extradition agreement among the MERCOSUR countries, Bolivia and Chile (which is not in force) include definitions of terrorist acts for the purposes of this provision.

D. Paragraph 4

Notes with concern the close connection between international terrorism and transnational organized crime, illicit drugs, money-laundering, illegal arms-trafficking and illegal movement of nuclear, chemical, biological and other potentially deadly materials, and in this regard emphasizes the need to enhance coordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security;

(i) International sphere

The Argentine Republic is a signatory to the United Nations Convention against Transnational Organized Crime, and also to the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo, 12 December 2000).

It is considering becoming a signatory to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (New York, 12 July 2001), supplementing the above-mentioned Convention.

On 9 October 2001, Argentina ratified the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives

and Other Related Materials (Washington, D.C., 14 November 1997), which in some respects supplements the provisions of the anti-terrorism agreements.

In the subregional context, the Memorandum of Understanding of 24 July 1998 between MERCOSUR, the Republic of Bolivia and the Republic of Chile concerning a joint mechanism for registration of buyers and sellers of firearms, explosives, ammunition, and other related materials of 23 July 1998 is supplementary to the mechanism for regional security mentioned with reference to paragraph 3 (c) of the resolution.

The Argentine Republic is party to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna, 1988) and participates actively on the Inter-American Drug Abuse Control Commission (CICAD).

(ii) Domestic sphere

With regard to money-laundering, the legislation of Argentina provides for penetrating bank secrecy (Act No. 21,526 on Financial Entities). Argentina has entered into agreements stipulating that judicial assistance shall not be denied on the grounds of bank secrecy, in view of the significant role it plays in transnational organized crime.

As was already mentioned, Argentina is a member of the international Financial Action Task Force on Money Laundering (FATF) and the South American Financial Action Group on money-laundering (GAFISUD).

At the national level, illicit trafficking in weapons and illicit circulation of nuclear, chemical, biological and other potentially lethal materials are regulated as follows:

- **National Commission for the Control of Sensitive Exports and Military Material:** The current system of controls is governed by Decree No. 603 of 9 April 1992, which provided for the creation of the National Commission for the Control of Sensitive Exports and Military Material.

- **Inter-Ministerial Commission for the Prohibition of Chemical Weapons:** Decree No. 920/97 provided for the establishment of the Inter-Ministerial Commission for the Prohibition of Chemical Weapons (ANCAQ), which is composed of the Ministry of Defence, the Ministry of Foreign Affairs and the Ministry of Economic Affairs.

- **Protection of nuclear material:** Physical protection measures are applied in nuclear power plants. The emphasis in physical protection is on prevention and deterrence, particularly through the use of passive measures. Police guards have provided physical protection since the start-up of power-plant operations.

The applicable legislation consists of national Act No. 24,804 on nuclear power and Act No. 25,018 on the management of radioactive wastes. With respect to safeguards, the quadripartite Agreement for the Application of Safeguards (between Argentina, Brazil, the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC) and the International Atomic Energy Agency (IAEA) (INFCIRC/435)) has been in effect since 1994.

With regard to national licensing and control of nuclear power generation, the standards of the Nuclear Regulatory Authority apply in each case (Standard AR 10.13.1: Basic standard for physical protection of nuclear material and facilities; and Standard AR 10.14.1: Safeguards against diversion of nuclear material and nuclear-related material, facilities and equipment).

The guidelines contained in IAEA INFCIRC/254 are applied to the import and export of nuclear equipment and technology. In addition, in relation to the security of its existing nuclear facilities, Argentina is a party to the Convention on Nuclear Safety, which it ratified in February 1997 by Act No. 24,776.

Argentina is also moving ahead with the passage of a bill that would incorporate the provisions of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction in national legislation.

The Inter-Ministerial Commission for the Prohibition of Chemical Weapons has approved a draft decree concerning controls on imports of chemical substances on lists 1 and 2 of the Chemical Weapons Convention. The draft is in the process of being made operative.

Efforts are under way to amend article 189 of the Penal Code to incorporate new types of crimes identified in the conventions ratified by the State or proposed by export control groups (information-exchange groups), in order to set penalties for criminal activities related to weapons of mass destruction (nuclear, biological and chemical), anti-personnel mines, and illicit manufacturing of and trafficking in firearms. The draft amendment includes penalties for non-compliance with the controls on sensitive exports and military material established by Decree No. 603/92.

The Ministry of Justice is also working on amendments to article 189 of the Penal Code that would adapt the current legislation to the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials, which Argentina recently ratified.

Inter-ministerial procedures are in progress concerning the signing and subsequent ratification of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.

The Ministry of Defence has begun the process of updating the annexes to Decree No. 603/92 in order to incorporate the new lists of military and dual-use items adopted by the Wassenaar Arrangement plenary meeting.

To combat the proliferation of chemical and biological weapons and their potential use by terrorist groups, the following regular liaison persons (with indication of street and e-mail addresses, fax and telephone numbers and the names of the officials involved) have been designated within the Argentine Federal Police for exchange of information and consultation at the international level:

- Directorate of International Terrorism and Complex Crimes;

- Interpol Department;

– Environmental Emergency Section of the Federal Superintendency of Firefighters.

(iii) Steps taken to prevent acts of bioterrorism

The Ministry of the Interior took the following general-alert measures:

A. First stage, on 11 September immediately after the attack on the United States:

1. Message to provincial civil defence directorates, putting them on alert and calling meetings of the provincial civil defence councils;

2. Recommendations to the provinces to put the following planning guidelines into effect: (a) airport emergencies; (b) mass victims medical care system; (c) chemical/biological attack; (d) basic guidelines for data evaluation and needs assessment (collapses);

3. Notice given to the security forces and federal police of the recommended precautionary civil defence measures to be taken by the provinces;

4. Notice given to other national agencies related to the national civil defence system about the precautionary measures adopted by the provincial civil defence directorates.

B. Second stage, in the light of the suspicion of intentional biological contamination of correspondence or postal shipments:

1. Coordination with the Ministry of Health in organizing the response to chemical emergencies under the auspices of the National Health Emergencies Board of the Ministry of Health; inclusion of the Domestic Security Secretariat on the Inter-ministerial Commission (28 September 2001 and 3 October 2001);

2. Distribution to provincial offices of Ministry of Health Bulletin No. 5 on preparation for the global risk of biological and chemical terrorism and a list of the ministry's health providers in each province, to enhance coordination of activities among them and with the provincial civil defence and police authorities, who were also sent this information through the intelligence services (3 October 2001);

3. Coordination of the distribution of guidelines for identifying and handling suspicious correspondence, agreed upon in a meeting with the Ministry of Health; the Domestic Security Secretariat distributed the guidelines to the provincial police, civil defence forces and volunteer firefighters (10 October 2001);

4. Liaison established between the Domestic Security Secretariat and the Ministry of Security for the Province of Buenos Aires following the first reports of suspicious envelopes in the province (11 October 2001);

5. Meeting with the Ministry of Health on operational follow-up and organization of 24-hour institutional communication channels (12 October 2001);

6. Coordination of information needs with the provinces and federal agencies; the Domestic Security Secretariat will collect police information and the Ministry of Health will collect medical information in order to maintain an updated picture (15 October 2001);

7. Issuance by the relevant division of the National Directorate for Coordination and Analysis for Crime Prevention of the instructions for conveying such information (15 October 2001);

8. Analysis by the intelligence services of the MERCOSUR member and associate member countries of the bioterrorism threat to the region during the constituent session of the special working group on terrorism at the Meeting of MERCOSUR Interior Ministers (Montevideo, 17 October 2001);

9. Examination, together with the Ministry of Health, of the problems involved in transferring suspicious envelopes to the capital and development of a training workshop for provincial police forces and health services on how to act when faced with chemical, bacteriological and nuclear agents (17 October 2001);

10. Follow-up with the Ministry of Health and resolution of the problem of transferring suspicious envelopes; solution communicated to the provinces (18 October 2001);

11. Distribution by the Argentine Federal Police of information circular No. 98/01 on the procedures to be followed with suspicious mail and how it should be handled and reported, together with information sessions, beginning 22 October, 6 p.m. (18 October 2001);

12. Distribution by the Argentine Coastguard of an instructional pamphlet on the general rules to be followed when an act of bioterrorism is reported, together with a guide to procedure in the event of such acts in the Tigre-La Plata area and in the interior of the country (18 October 2001);

13. Distribution of recommendations to the provincial police and civil defence forces for the protection of the operational personnel of their front-line units (19 October 2001).

C. Third stage, following the meeting of 20 October 2001 chaired by the Minister of the Interior:

1. Special meeting convoked by the Ministry of the Interior, in which the federal security forces, the Undersecretariat of Health for Coordination of Health Emergencies and the Postal Services took part, for the purpose of agreeing on precautionary measures and methods of disseminating information about them to the general public (20 October 2001, 9.30 a.m.);

2. Elaboration of specific recommendations with technical advice from the federal forces and Muñiz Hospital (20 October 2001, 4.30 p.m.);

3. Establishment of a phone line (0800-555-5065), operated by the Situation Room of the Domestic Security Secretariat, to answer questions from the general public (20 October 2001);

4. Distribution to the provincial security, police and civil defence forces of recommendations for the public, for general distribution (8 p.m.);

5. Distribution of operational directives for front-line units on gathering suspicious correspondence and sending it to the Malbrán Institute (8 p.m.);

6. Note sent to provincial governors informing them of the actions taken to date and the new measures adopted at the meeting of 20 October (22 October 2001, 6 p.m.);

7. Recommendations for the general public sent to the Undersecretariat of Municipal Affairs of the Ministry of the Interior for distribution to the municipalities (22 October 2001);

8. Recommendations for the general public sent to the Federal Culture and Education Council, the Secretariat for Social Development, the National Health Emergencies Board, the National Council and Provincial Federations of Volunteer Firefighters' Corps, the Argentine Union of Radio Clubs (UARC) and the Argentine Red Cross for distribution to their related organizations and general dissemination (22 October 2001);

9. Proposal to ask the provinces to develop a plan for disseminating information to the public (22 October 2001).

Proposal of experts for the Counter-terrorism Committee

Argentina proposed the names of two experts to assist the Committee in its work:

- An expert on extradition: Dr. Guillermo Fierro
- An expert on customs law and practice: Dr. Oscar Héctor Requeijo

Designation of contact points

The Argentine Ministry of Foreign Affairs designated the following persons as contact points for the Counter-terrorism Committee:

(a) In Argentina: Ambassador Domingo Santiago Cullen (Director for International Organizations in the Ministry of Foreign Affairs, International Trade and Worship);

(b) At the Permanent Mission of Argentina to the United Nations: Counsellor Osvaldo Mársico.

Designation of liaison persons in Argentina

For matters related to the implementation of United Nations Security Council resolution 1373 (2001), Ambassador Domingo Santiago Cullen has been designated the liaison person in the Argentine Ministry of Foreign Affairs with the other national ministries, the judiciary, the legislature and the provinces, which have in turn designated their own liaison persons with the Ministry of Foreign Affairs.